

By Mr. BENTON: A bill (H. R. 14169) granting an increase of pension to Thomas R. May—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14170) granting a pension to Abner T. Smith—to the Committee on Pensions.

Also, a bill (H. R. 14171) granting an increase of pension to Francis Allred—to the Committee on Pensions.

Also, a bill (H. R. 14172) granting an increase of pension to Peter W. Duffield—to the Committee on Invalid Pensions.

By Mr. BOREING: A bill (H. R. 14173) to correct the military record of Jonathan King—to the Committee on Military Affairs.

By Mr. COWHERD: A bill (H. R. 14174) granting an increase of pension to Griffith T. Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14175) for the relief of Miss L. V. Belt, administratrix of estate of Alfred C. Belt, deceased—to the Committee on War Claims.

By Mr. GAINES of Tennessee: A bill (H. R. 14176) for the relief of the heirs of James W. Fennell, deceased, and to give the Court of Claims jurisdiction, and to remove the bar of statute of limitations—to the Committee on War Claims.

By Mr. KLEBERG: A bill (H. R. 14177) granting a pension to James M. McKeown—to the Committee on Pensions.

By Mr. LITTLE: A bill (H. R. 14178) for the relief of George W. Goolby—to the Committee on War Claims.

By Mr. REID: A bill (H. R. 14179) for the relief of W. A. Galloway, of Jacksonville, Ark.—to the Committee on Claims.

Also, a bill (H. R. 14180) for the relief of Daniel Guffey, of Casa, Ark.—to the Committee on Invalid Pensions.

By Mr. SNOOK: A bill (H. R. 14181) granting a pension to Moses G. Coates—to the Committee on Invalid Pensions.

By Mr. WILEY: A bill (H. R. 14182) granting an increase of pension to Susan B. Lynch—to the Committee on Pensions.

By Mr. HEPBURN: A bill (H. R. 14183) to reimburse the members of the Fifty-first Iowa regimental band for the use of musical instruments and music during the war with Spain—to the Committee on Claims.

By Mr. SULLOWAY: A bill (H. R. 14184) granting an increase of pension to Andrew J. Fogg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14185) granting an increase of pension to Albert Blood—to the Committee on Invalid Pensions.

By Mr. MEYER of Louisiana: A bill (H. R. 14187) for the relief of Louis J. Souer, collector internal revenue, district of Louisiana—to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of Will F. Stewart Post, No. 180, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

Also, petition of N. R. Tannehill, of Canonsburg, Pa., favoring House bill 9206—to the Committee on Agriculture.

By Mr. BELL: Petition of S. Honig, L. E. Rass, and other citizens of Colorado, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. BENTON: Paper to accompany House bill granting an increase of pension to Samuel Brown—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14169, granting an increase of pension to Thomas R. May—to the Committee on Invalid Pensions.

Also, papers to accompany House bill 14171, granting an increase of pension to Francis Allred—to the Committee on Pensions.

Also, papers in support of House bill 14170, granting a pension to Abner T. Smith—to the Committee on Pensions.

Also, papers in support of House bill 14173, granting an increase of pension to Peter W. Duffield—to the Committee on Invalid Pensions.

By Mr. DALZELL: Resolutions of Polish Society of Carnegie, Pa., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. DEEMER: Resolutions of Colonel D. L. Montgomery Post, No. 264, Grand Army of the Republic, Department of Pennsylvania, favoring the passage of House bill 3067—to the Committee on Invalid Pensions.

By Mr. DRAPER: Resolutions of the Maine State Board of Trade, for the establishment of lobster hatcheries on the coast of Maine—to the Committee on the Merchant Marine and Fisheries.

By Mr. EDWARDS: Resolutions of the Eastern Montana Wool Growers' Association, Miles City, Mont., urging the enactment of House bill 6565, providing for the inspection of mixed goods

and the proper marking of the same—to the Committee on Ways and Means.

Also, memorial of the same association, for an amendment of the census law, providing for an annual classified census of live stock—to the Select Committee on the Census.

By Mr. HEPBURN: Resolutions of Mine Workers' Union of Seymour, Iowa, against foreign immigration—to the Committee on Immigration and Naturalization.

Also, resolutions of the same union, favoring Chinese exclusion—to the Committee on Foreign Affairs.

Also, resolutions of the General Conference of the Reorganized Church of Jesus Christ of Latter-Day Saints, held at Lamoni, Iowa, favoring an amendment to the Constitution making polygamy a crime—to the Committee on the Judiciary.

Also, resolution of the Iowa Bankers' Association, Council Bluffs, Iowa, in opposition to the passage of the so-called Fowler bill—to the Committee on Banking and Currency.

By Mr. HOWELL: Petition of citizens of Third Congressional district of New Jersey, in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. LASSITER: Resolutions of Norfolk (Va.) Chamber of Commerce, favoring the bill providing for abolishing the London landing charges, known as Senate bill 1792—to the Committee on the Judiciary.

By Mr. LESSLER: Resolutions of Twenty-seventh District Republican Club, New York City, N. Y., indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. MEYER of Louisiana: Papers to accompany House bill for the relief of Louis J. Souer—to the Committee on Claims.

By Mr. REID: Papers to accompany House bill 14179, for the relief of W. A. Galloway, of Jacksonville, Fla.—to the Committee on Claims.

Also, paper to accompany House bill 14180, for the relief of Daniel Guffey—to the Committee on Invalid Pensions.

Also, petition of citizens of Conway County, Ark., in favor of the passage of House bill 7475, for additional homesteads—to the Committee on the Public Lands.

Also (by request), petition of citizens of Perry County, Ark., in favor of House bills 178 and 179, for the repeal of the tax on distilled spirits—to the Committee on Ways and Means.

By Mr. SCHIRM: Resolutions of Lodge No. 193, Boiler Makers and Iron-ship Builders' Union, Baltimore, Md., for more rigid restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPERRY: Resolution of the Piano and Organ Workers' Union of Derby, Conn., favoring an educational immigration test—to the Committee on Immigration and Naturalization.

Also, resolutions of the common council of Hartford, Conn., favoring the letter carriers' classification bill—to the Committee on the Post-Office and Post-Roads.

Also, resolution of the Retail Butchers and Grocers' Protective Association of New Haven, Conn., favoring a Sunday-closing law for the District of Columbia—to the Committee on the District of Columbia.

By Mr. SULZER: Petition of Louis Bloom and others, of New York City, for the repeal of the duties on meats—to the Committee on Ways and Means.

#### SENATE.

SATURDAY, May 3, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FAIRBANKS, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

#### DENTAL SURGEONS IN NAVY.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 14th ultimo, certain information furnished by the Surgeon-General of the Navy relative to the enlistment and detailment of dental surgeons to treat the officers and men of the Navy, etc.; which was referred to the Committee on Naval Affairs, and ordered to be printed.

#### EXTENSION OF THE CAPITOL.

The PRESIDENT pro tempore laid before the Senate a communication from the Superintendent of the United States Capitol Building and Grounds, transmitting, pursuant to law, plans for the extension of the central portion of the Capitol and for the renovation and decoration of the Rotunda; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

## BUFFINGTON-CROZIER GUN CARRIAGE.

Mr. ALLISON. Yesterday I asked that a communication to the Senate from the Secretary of War, transmitting, in response to a resolution of the 24th ultimo, certain reports in regard to the Buffington-Crozier disappearing gun carriage, be referred to the Committee on Appropriations, supposing that the communication was pertinent to the fortifications appropriation bill. I find on looking into the matter that the letter and accompanying papers should have been referred to the Committee on Military Affairs. I ask that a change of reference be made.

The PRESIDENT pro tempore. The Senator from Iowa asks that the Committee on Appropriations be discharged from the further consideration of the communication referred to by him, and that it be referred to the Committee on Military Affairs. Is there objection? The Chair hears none, and it is so ordered.

## PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented a petition of the Nordyke & Marmon Company, of Indianapolis, Ind., praying for the adoption of certain amendments to the national banking laws; which was referred to the Committee on Finance.

He also presented petitions of L. A. Thomas Division, No. 492, Brotherhood of Locomotive Engineers, of Indianapolis, and of William Hugo Lodge, No. 166, Brotherhood of Locomotive Firemen, of Huntington, in the State of Indiana, praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. BEVERIDGE presented a petition of George Merritt & Co., of Indianapolis, Ind., praying for the continuance of the so-called protective tariff policy, and remonstrating against the ratification of reciprocity treaties with foreign countries; which was referred to the Committee on Finance.

He also presented a petition of Terre Haute Division, No. 92, Order of Railway Conductors, of Terre Haute, Ind., praying for the passage of the so-called Foraker-Corliss safety-appliance bill; which was referred to the Committee on Interstate Commerce.

He also presented petitions of William Smith Post, No. 103; of Boothroyd Post, No. 31, of Delphi; of James Beard Post, No. 433, of Lawrence; of Stone River Post, No. 65, of Frankfort; of Otterbein Post, No. 277, of Otterbein; of General Lyon Post, No. 34, of Otwell, and of Cory Post, No. 477, of Cory, all of the Department of Indiana, Grand Army of the Republic, in the State of Indiana, praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which were referred to the Committee on Naval Affairs.

He also presented petitions of the Central Labor Union of Boonville; of Federal Labor Union No. 9482, of Chandler, and of Machinists' Local Union No. 150, of Huntington, all in the State of Indiana, praying for the enactment of legislation providing for an educational test for immigrants to this country; which were referred to the Committee on Immigration.

He also presented petitions of Local Division No. 138, Order of Railroad Conductors, of Garrett; of Huntington Division, No. 221, Brotherhood of Locomotive Engineers, of Huntington; of Terre Haute Division, No. 92, Order of Railway Conductors, of Terre Haute; of Tecumseh Lodge, No. 402, Brotherhood of Railroad Trainmen, of Lafayette, and of Tried and True Lodge, No. 361, Brotherhood of Locomotive Firemen, of Washington, all in the State of Indiana, praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which were ordered to lie on the table.

Mr. PERKINS presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. SPOONER presented a petition of Lake Superior Division, No. 13, Order of Railroad Telegraphers, of West Superior, Wis., praying for the passage of the so-called Hoar anti-injunction bill to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. HAWLEY presented a petition of the Piano and Organ Workers' Local Union, of Derby City, Conn., praying for the enactment of legislation providing an educational test for immigrants to this country; which was referred to the Committee on Immigration.

Mr. COCKRELL presented a petition of Louis Duemler Post, No. 465, Department of Missouri, Grand Army of the Republic, of St. Clair, Mo., praying for the enactment of legislation authorizing the construction of war vessels in the navy-yards of the country; which was referred to the Committee on Naval Affairs.

## REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on Commerce, to whom was referred the bill (S. 3864) to provide for the construction of a light-house and fog signal at Diamond Shoal, on the coast of North Carolina, at Cape Hatteras, reported it with amendments, and submitted a report thereon.

He also, from the Committee on the District of Columbia, to whom was referred the bill (S. 5587) for the relief of Anna Eliza Isabella Von Hemert, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by himself on March 13, 1902, proposing to appropriate \$40,600 for grading and macadamizing Fourteenth street from its present terminus to the northern limit of the Saul tract, intended to be proposed to the District of Columbia appropriation bill, reported it without amendment, submitted a report thereon, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 1681) granting a pension to Erma G. Harvey;

A bill (H. R. 13439) granting an increase of pension to William Blanchard;

A bill (H. R. 12713) granting an increase of pension to Bernard McCormick;

A bill (H. R. 12015) granting an increase of pension to Edgar T. Daniels; and

A bill (H. R. 6434) granting a pension to Mary J. Fitch.

## AMERICAN EPHEMERIS AND NAUTICAL ALMANAC.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 177) providing for the printing of the American Ephemeris and Nautical Almanac, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the joint resolution, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that hereafter the "usual number" of copies of the American Ephemeris and Nautical Almanac shall not be printed. In lieu thereof there shall be printed and bound 1,100 copies of the same, uniform with the editions printed for the Navy Department, as provided in section 73, paragraph 5, of an act approved January 12, 1895, providing for the public printing, binding, and distribution of public documents; 100 copies for the Senate, 400 for the House, and 600 for the Superintendent of Documents for distribution to State and Territorial libraries and designated depositories.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PLATT of New York. I enter a motion to reconsider the vote by which the Senate passed the bill (S. 4872) providing for the printing of the American Ephemeris and Nautical Almanac.

The PRESIDENT pro tempore. The motion to reconsider will be entered.

Mr. PLATT of New York. I move that the House of Representatives be requested to return the bill to the Senate.

The motion was agreed to.

## INTERNATIONAL CONFERENCE OF AMERICAN STATES.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That there be printed 500 additional copies of the Report of the Delegation of the United States to the Second International Conference of the American States for the use of said delegation.

## COMMEMORATIVE TABLET OF VICE-PRESIDENT WILSON.

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution reported by Mr. HANSBROUGH, from the Committee on the Library, on the 26th ultimo, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

*Resolved*, That the expense incurred by the Superintendent of the Capitol Building and Grounds, authorized by Senate resolution of January 16, 1885, in procuring and placing a commemorative tablet in the room in the Senate wing of the Capitol where Vice-President Henry Wilson died, be paid from the contingent fund of the Senate.

## BILLS INTRODUCED.

Mr. BERRY introduced a bill (S. 5626) for the relief of Larkin Holt; which was read twice by its title, and referred to the Committee on Claims.

Mr. HEITFELD introduced a bill (S. 5627) for grading V street from North Capitol street to Lincoln avenue east; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BEVERIDGE introduced a bill (S. 5628) granting an increase of pension to Catherine Hendricks; which was read twice



by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 5629) granting an increase of pension to Mary Goodrich; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MCENERY introduced a bill (S. 5630) for the relief of the heirs of Anna Holmes Bernard; which was read twice by its title, and referred to the Committee on Claims.

Mr. GIBSON introduced a bill (S. 5631) declaring the construction of sections 2304, 2305, 2306, and 2307 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 5632) granting an increase of pension to Isum Gwin;

A bill (S. 5633) granting an increase of pension to William Comstock;

A bill (S. 5634) granting an increase of pension to James Towey; and

A bill (S. 5635) granting an increase of pension to James Harrison.

Mr. DILLINGHAM introduced a bill (S. 5636) granting a pension to John W. Holcomb; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. JONES of Arkansas introduced a bill (S. 5637) making an appropriation for the support of the W. T. Whitaker Orphan Home, in the Indian Territory; which was read twice by its title.

Mr. JONES of Arkansas. In connection with the bill I send to the desk a letter from the Secretary of the Interior addressed to the chairman of the Committee on Indian Affairs. I move that the letter and accompanying papers be printed, and that they be referred, together with the bill, to the Committee on Indian Affairs.

The motion was agreed to.

#### AMENDMENTS TO BILLS.

Mr. McMILLAN submitted an amendment proposing to appropriate \$100,000 for the purchase of a site and toward the erection of a building for a business high school in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. MORGAN submitted an amendment proposing to appropriate \$5,683 to pay the claim of Mrs. Flora Adams Darling, intended to be proposed by him to the general deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations.

Mr. GALLINGER submitted an amendment relative to the investigation of claims for the reimbursement of expenses of the last sickness and burial of deceased pensioners, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Pensions, and ordered to be printed.

He also submitted an amendment proposing to appropriate \$1,000 to pay one cataloguer in the library, Navy Department, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

Mr. COCKRELL submitted an amendment authorizing the board of Capitol police to place upon the roll of the Capitol police, as an additional member thereof, E. D. Turmure, formerly belonging to that force, and to pay him a salary of \$900 per annum, etc., intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BACON, Mr. CLAY, Mr. GALLINGER, and Mr. MCENERY submitted amendments intended to be proposed by them to the bill (H. R. 14018) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

#### CLARA P. ELLIOTT.

Mr. GALLINGER submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Clara P. Elliott, mother of C. B. Elliott, late a laborer on the rolls of the Senate, a sum equal to six months' salary at the rate of \$720 per annum, said sum to be considered as including funeral expenses and all other allowances.

#### MAJ. CORNELIUS GARDENER.

The PRESIDENT pro tempore. The morning business is closed, and the Chair lays before the Senate the following bill.

Mr. LODGE rose.

The PRESIDENT pro tempore. There is a resolution coming over from a previous day.

Mr. LODGE. I wish to say a word in regard to it.

The PRESIDENT pro tempore. The Chair lays the resolution before the Senate.

Mr. LODGE. The resolution need not be read. The Senate is familiar with it. It is the resolution in regard to summoning Major Gardener from the Philippine Islands.

Day before yesterday, on learning that Major Gardener's regiment would not sail from Manila until the 15th day of June, I asked the committee on its assembling to authorize me to summon him in the usual way employed by the committee in case of other Army officers, through the Secretary of War, and that resolution was adopted by the committee. Later in the day I was informed, which was a great surprise to me, that a cable had been received from General Chaffee a few days before, stating that Major Gardener had filed no specifications of his charges, and that the Department had cabled to know what the condition of the investigation was and whether Major Gardener had filed any specifications.

On learning that, the committee yesterday, in order to await the coming of the answer from Manila, rescinded their resolution authorizing me to call him. That answer has just been received, and I will read it:

[Cablegram received at the War Department May 2, 1902, from Manila.]

ADJUTANT-GENERAL, Washington:

With reference to your telegram of 1st, Maj. Cornelius Gardener has filed few specifications, very general in character, and practically paraphrasing his report. In one instance he gives the name of an officer. The board—

That is, the board of inquiry—

consists of Col. Theodore J. Wint, Lieut. Col. Joseph W. Duncan, and Capt. William T. Johnston, sitting at Lucena, under instructions to afford Major Gardener full opportunity to substantiate every allegation. Major Gardener has telegraphed Luke E. Wright that investigation has developed into attack on him, and has asked for counsel. First Lieutenant Trent has been authorized to aid him. Wint has been directed to afford Major Gardener every opportunity. The following is his reply:

"Capt. Harry H. Bandholtz, governor, has since yesterday acted counsel for Major Gardener, who, up to the present, declined furnish names any witnesses to board. He has brought several witnesses, but so far his procedure indicates he does not desire full investigation as ordered. Board has had no desire attack Major Gardener, but is pursuing rigid investigation his allegations irrespective what he wishes, and will not permit him shape or dictate the course investigation."

Think any objection Major Gardener lays in fact that the board desires to test accuracy of his information and the condition Tayabas when he was governor. Some time must necessarily elapse before the report is completed. Probably many witnesses to be examined.

CHAFFEE.

Also the following telegram:

WAR DEPARTMENT, May 2, 1902.

CHAFFEE, Manila:

Cable in full Major Gardener's specifications. Your directions to board to afford Gardener every opportunity are approved. Board should be especially enjoined not to permit the proceeding to assume a character giving the least color to a claim that there is an attack on him or allow it to be in any way diverted from a full and fair investigation of the truth of his charges.

ROOT.

Under the circumstances, the investigation pending, the witnesses abroad, the accused persons before the board of inquiry in the Philippine Islands, where Major Gardener can best prove his allegations and those whom he accuses can meet them if they can, it seemed to the committee it was not desirable to take further action at present.

I ask that the resolution may lie on the table and that these papers, which include all the telegrams which have passed, may be printed as a part of my remarks for the information of the Senate.

The papers referred to are as follows:

[Hearings before Senate Committee on the Philippines, p. 886.]

WASHINGTON, D. C., February 7, 1902.

Hon. ELIHU ROOT,

Secretary of War, Washington, D. C.

SIR: I herewith transmit to you reports of the condition of Batangas and Tayabas, disturbed districts in the archipelago, with a view, as suggested in our conversation, to an investigation of certain charges made by Colonel Gardener, the governor of Tayabas, as to the conduct by American troops in the suppression of the insurrection in those two provinces.

Very respectfully,

WM. H. TAFT.

[Hearings before Senate Committee on the Philippines, pp. 886-887.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,  
Washington, February 12, 1902.

GENERAL: At the instance of the Secretary of War I inclose herewith a copy of a report of Maj. Cornelius Gardener, Thirtieth United States Infantry, as provisional governor of the province of Tayabas, the same having been made by him to the civil governor of the Philippine Islands.

There is so much contained in this report reflecting not only upon officers of the Army, but the general conduct of affairs and the military branch of the Government, that the Secretary of War desires you to cause a careful inquiry to be made concerning these statements, and, if they be found true, that the necessary administrative and disciplinary measures be applied to correct these evils.

Your particular attention is invited to the portions of the report which are underscored.

You are requested to make a full report of the investigation herein directed as soon as possible.

Very respectfully,

H. C. CORBIN.

Adjutant-General, Major-General, U. S. Army.

Maj. Gen. ADNA R. CHAFFEE,

Commanding the Division of the Philippine Islands, Manila, P. I.

[House Document No. 518, Fifty-seventh Congress, first session, p. 6.]

Referring to that part of my communication which states that the warfare in the Philippine Islands has been conducted with marked severity, and to the remarks of the honorable Secretary on that point, it is proper to say that I had in mind such information as is conveyed in the letter of Governor William H. Taft, addressed to the honorable Secretary dated Washington, February 7, 1902, as well as other communications that have been referred to these headquarters or received by me.

[House Document No. 518, Fifty-seventh Congress, first session, pp. 8, 9.]

The reference in the memorandum to the letter of Governor Taft to the Secretary of War dated February 7, 1902, is to a letter transmitting, for the purpose of an investigation by the military authorities, a report by the civil governor of the province of Tayabas, containing, in general terms and without specifications or names, serious charges against the military administration in that province and against the conduct of the Army generally in its relations to the civil government. This report was on the 19th of February sent to General Chaffee with the following direction:

"There is so much contained in this report reflecting not only upon officers of the Army, but the general conduct of affairs and the administration of the military branch of the Government, that the Secretary of War desires you to cause a careful inquiry to be made concerning these statements, and if they be found true that the necessary administrative and disciplinary measures be applied to correct these evils;" and also "to make a full report of the investigation herein directed as soon as possible."

There has not yet been time for the report to be made, and the direction for the investigation can only just now have reached Manila. It is to be regretted that the officer of the highest rank in the Army should assume the truth of charges reflecting upon the credit of the Army in advance of the investigation which has been ordered, and without giving General Chaffee, upon whose particular command the charges reflect, an opportunity to be heard. Governor Taft's letter shows that the civil governor of the Philippines was unwilling to accept the charges as true without an investigation.

As the Lieutenant-General's memorandum of March 24 was not made until after the introduction of a resolution in the House of Representatives calling for all correspondence and papers in the matter of his application to go to the Philippines, the putting into those papers of the specific reference to the letter transmitting the charges plainly evinces a design to procure the publication of the charges, and of the Lieutenant-General's acceptance thereof as true, in advance of the investigation of their truth, and of a report thereon by General Chaffee. In the interest of good discipline and effective service such a course is much to be regretted. Such charges ought not to be published against our countrymen whom we have sent to labor and fight under our flag on the other side of the world before they can be heard in their own defense.

ELIHU ROOT,  
Secretary of War.

[Hearings before Senate Committee on the Philippines, p. 887.]

[Copy cablegram.]

ADJUTANT-GENERAL'S OFFICE, April 2, 1902.

CHAFFEE, Manila:

Secretary of War desires that investigation directed by letter of the Adjutant-General of the Army, February 18, into truth of the charges made by Cornelius Gardener be prosecuted, and report made thereon with all speed which is consistent with thorough and searching investigation. Full facilities should be afforded Cornelius Gardener to establish truth of the specifications, which, of course, he will be called upon to furnish.

CORBIN.

[Telegram.]

APRIL 8, 1902.

CHAFFEE, Manila:

Cable progress investigation charges by Cornelius Gardener directed in letter February 19.

CORBIN.

[Telegram.]

APRIL 9, 1902.

CORBIN, Washington:

With reference to your telegram of 8th. Your letter, February 19, and inclosures received April 4. Same day Cornelius Gardener directed submit specifications; not received yet. Investigation expedited as quickly as possible.

CHAFFEE.

[Hearings before Senate Committee on the Philippines, p. 1548-1549.]

ADJUTANT-GENERAL'S OFFICE, Washington, April 15, 1902.

CHAFFEE, Manila:

On February 19 a letter was sent you inclosing, for investigation, copy of charges made by Governor Gardener, of Tayabas Province, which contained general allegations of cruelties practiced by troops on natives, and generally of an insolent and brutal attitude of the Army toward natives.

On April 2 a cable dispatch was sent you urging action with all speed consistent with thorough and searching investigation.

On the 4th of March a cable dispatch was sent you directing disciplinary measures to produce obedience to the President's instructions, subordinating military officers to civil government in pacified provinces, and instructing you to relieve Maj. Edwin F. Glenn and Capt. James A. Ryan from duty and order them to Manila to await investigation into their conduct, in accordance with instructions to follow by mail.

On the 24th of March instructions were mailed you containing statement of charges against those officers and Gen. Jacob H. Smith as the basis of the investigation ordered by the cable of March 4.

Further instructions in both matters are required by the following facts: Press dispatches state that upon the trial of Major Waller, of the Marine Corps, testimony was given by Waller, corroborated by other witnesses, that Gen. Jacob H. Smith instructed him to kill and burn; that the more he killed and burned the better pleased General Smith would be; that it was no time to take prisoners, and that when Major Waller asked General Smith to define the age limit for killing, he replied, "Everything over 10."

If such testimony was given, and the facts can be established, you will place General Smith on trial by court-martial.

Yesterday, before the Senate Committee on Philippine Affairs, Sergt. Charles S. Riley and Private William Lewis Smith, of the Twenty-sixth Volunteer Infantry, testified that the form of torture known as the "water cure" was administered to residents of the town of Igbaras, Iloilo Province, island of Panay, by detachment of Eighteenth United States Infantry, under command of Lieut. Arthur L. Conger, under orders of Maj. Edwin F. Glenn, then captain, Twenty-fifth Infantry, and that Capt. and Asst. Surg. Palmer Lyon, at that time a contract surgeon, was present to assist them. The officers named, or such of them as are found to be responsible for the act, will be tried thereafter by court-martial. Conger and Lyon are in this country. Both the Twenty-sixth Volunteer Infantry and the Eighteenth Infantry having returned to the United States, most of the witnesses being presumptively here, the Secretary of War directs that Maj. E. F. Glenn, Twenty-fifth Infantry, be directed to proceed to San Francisco and report to the general commanding the Department of California, with a view to his trial by court-martial under charges alleging the cruelties practiced by him upon a native of the Philippine Islands, at Igbaras, on the 27th of June, 1900.

If you can discover any witnesses still in the service in the Philippine Islands who can testify in support of the charges, or if Major Glenn desires the attendance of any persons now serving in the islands as witnesses for the defense, you will direct them to proceed to San Francisco for that purpose. As the two years allowed for the prosecution by the statute of limitations is nearly at an end, no time is to be lost. You will take such course in advancing or postponing the investigations previously ordered into the conduct of General Smith and Major Glenn as shall be required to enable you to execute these instructions. It is believed that the violations of law and humanity, of which these cases, if true, are examples, will prove to be few and occasional and not to characterize the conduct of the army generally in the Philippines; but the fact that any such acts of cruelty and barbarity appear to have been done indicates the necessity of a most thorough, searching, and exhaustive investigation under the general charges preferred by Governor Gardener, and you will spare no effort, in the investigation already ordered under these charges, to uncover every such case which may have occurred and bring the offenders to justice.

The President desires to know in the fullest and most circumstantial manner all the facts, nothing being concealed, and no man being for any reason favored or shielded. For the very reason that the President intends to back up the Army in the heartiest fashion in every lawful and legitimate method of doing its work, he also intends to see that the most rigorous care is exercised to detect and prevent any cruelty or brutality, and that men who are guilty thereof are punished. Great as the provocation has been in dealing with foes who habitually resort to treachery, murder, and torture against our men, nothing can justify, or will be held to justify, the use of torture or inhuman conduct of any kind on the part of the American Army.

By direction of the Secretary of War.

H. C. CORBIN,

Adjutant-General, Major-General, U. S. Army.

[Telegram.]

MAY 1, 1902.

CHAFFEE, Manila:

Has Major Gardener filed specifications under investigation ordered February 19? What is condition of investigation? Cable fully.

CORBIN.

Mr. RAWLINS. Mr. President, it appears from the papers which have been offered to the Senate by the Senator from Massachusetts [Mr. LODGE] that Major Gardener evidently thinks his case is in unfriendly hands. In his official report as civil governor of the island Major Gardener made certain complaints against the military officers in the islands, including the highest officers of the islands. Thereupon the President of the United States, deeming this matter one which should be investigated, directed General Chaffee to organize a court of inquiry to make an investigation of the subject. The bias of that court, the bias of the military officers who are the objects of the complaint in the report made by the civil governor, is manifest.

It appears from the cablegram from General Chaffee read to the Senate that Major Gardener is reluctant to submit himself and his case to the determination of those who are the very object of his complaint. Now, it is proposed by the committee to delay sending for Major Gardener in order that he may be required to go through the farce of—

Mr. SPOONER. Mr. President—

Mr. RAWLINS. One moment. I will yield to the Senator presently.

Mr. SPOONER. I only wanted to ask a question.

Mr. RAWLINS. When I have finished my sentence I will yield. It is proposed by the Committee to delay sending for Major Gardener in order that he may be required to go through the farce of awaiting the specifications and the inquiry and the determination of this court, composed of military officers selected by the commanding general in the islands.

I appreciate, Mr. President, and sympathize with the motive of the officials in Washington who desire that a thorough and impartial investigation of these charges shall be made, but I do wish to say that it seems to me we would have a better manifestation of that purpose if it were possible to select some tribunal whose impartiality in dealing with it would be beyond question.

The cablegram of General Chaffee, showing his bias, is answered by a direction of the Secretary of War enjoining upon him the duty not to put Major Gardener upon trial, but to make an honest and fair investigation of the specifications or charges made against the military authorities in the islands furnished by the civil governor of Tayabas. Ought we to refuse to send for Major Gardener and demand his presence here in order that the facts may be laid before the Senate committee and the Senate until this court of inquiry in the Philippine Islands, composed of individuals of whom Major Gardener complains, have rendered their verdict for their own exoneration and for his condemnation?



General Chaffee informs us he himself complained of the officers of the Army being complained of, that he has designated some members of the Army to act as this court. He advises us in the cablegram that he has selected the attorney to act in behalf of Major Gardener, that poor privilege not being accorded to the civil governor of the province of Tayabas. He further informs us that he will see to it that Major Gardener is not permitted to give this inquiry the turn which he desires, but that he, Chaffee, and the court will see to it that it is made to assume the direction which they desire.

This is but another example of the character of administration we are having in the islands, a dual government, one civil and the other military, and each acting in conflict with the other; one making accusations against the other; and the question of the trial of such accusation being submitted to the person accused for his own determination.

Mr. President, I do not think there is a sufficient reason shown in the documents which have been presented to the Senate by the honorable Senator from Massachusetts, who is the chairman of this committee, why it should not be insisted that this witness be summoned and that this case be laid before a tribunal which will dispose of it impartially.

Mr. SPOONER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Wisconsin?

Mr. RAWLINS. With pleasure.

Mr. SPOONER. I thought the Senator had taken his seat.

Mr. RAWLINS. I understood that the Senator wished to ask me a question.

Mr. SPOONER. I did not. I thought the Senator was through.

Mr. RAWLINS. I will yield to the Senator, because I am always glad to hear him.

Mr. SPOONER. I do not ask the Senator to yield to me, Mr. President. Is the Senator through?

Mr. RAWLINS. I yield the floor to the Senator.

Mr. SPOONER. I decline to accept the floor from the Senator. Under the rules I have a right to take it myself when the Senator yields it.

Mr. RAWLINS. I do not tender it to the Senator as a matter of courtesy or favor. I yield the floor, and the Senator may occupy the whole of it.

Mr. SPOONER. I occupy it then, Mr. President, as a matter of right, and not by the grace of the Senator from Utah.

The PRESIDENT pro tempore. The Senator from Wisconsin will proceed.

Mr. SPOONER. Mr. President, the observations which the Senator from Utah [Mr. RAWLINS] has submitted to the Senate are, in my view, quite characteristic of this debate thus far in its conduct, so far as the other side of this Chamber is concerned. I do not intend to enter into a general discussion of the Philippine question this morning, but only to refer for a few moments to the question presented by the resolution. I have not discovered anything in the cablegram from General Chaffee indicating a bias upon his part as the Senator from Utah did. So far from it, Mr. President, I undertake to deny that there is a word in it which indicates any bias upon the part of General Chaffee against Major Gardener, or any desire to influence in any way or to color this investigation or interfere with its conduct.

The Senator seems to be, if he will permit me to say it, blinded by suspicion of the Army and of everyone else who has been charged with public duty in the Philippines. He says he sympathizes with the efforts of the authorities here to secure a thorough investigation of the truth of the charges made by Major Gardener. I was glad to hear that assertion from the Senator, for I had not supposed he entertained that feeling of sympathy.

There seems to have been a great willingness here to impeach the whole Army in the Philippines. The Senator asks the people of the United States in the few moments in which he occupied the floor to believe that there can not be constituted a board of Army officers in the Philippines who like gentlemen and honorable men will fairly and searchingly investigate the truth of these charges. He says the cablegram indicates that Major Gardener is not satisfied with the court. That is true. But when the Senator said it was a court of officers who had served in the province who were subject to the criticism of Major Gardener's report, so far as I understand the facts, I deny it. I rose to ask the Senator, when he declined to permit a question, whether he intended to say that the officers who compose this board, which is a mere board of inquiry, not a court, are officers who had served in the province of which Major Gardener was the governor. I understand it not to be true.

Mr. RAWLINS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. RAWLINS. The Senator asks me a question. I only rose for the purpose of answering.

Mr. SPOONER. I did not ask a question. I said that I rose for the purpose of asking the Senator that question when he was on the floor. He declined to permit me to do so.

Mr. RAWLINS. I beg the Senator's pardon; I did not intend any such discourtesy. I was in the midst of a sentence. I had only a few remarks to make. I desired to be entirely courteous, and to yield the floor to him to ask any question that he desired to propound. If the Senator supposes that I did not so intend, I wish to correct that erroneous impression.

Mr. SPOONER. Now, Mr. President, I understand the fact to be, and I was so informed at the War Department yesterday, that these officers are none of them officers subject to the charges contained in Major Gardener's report.

Mr. RAWLINS. Will the Senator yield to me just a moment?

Mr. SPOONER. Certainly; I yield to the Senator.

Mr. RAWLINS. I will state what I intended to say. Major Gardener said in his report:

The attitude of the Army, thereby meaning most of its officers and soldiers, is, however, decidedly hostile to the provincial and municipal government in this province and to the civil government in these islands in general. In Manila especially it is intensely so, even among the higher officers. The work of the Commission in the establishment of provincial governments is ridiculed even in the presence of the natives. It is openly stated that the Army should remain in charge for the next twenty years.

Here is a charge involving the conduct of the army generally throughout the islands and its highest officers, and all I desired to suggest was the question of propriety in submitting the inquiry into the conduct of these very men thus charged to themselves for determination. That is what I meant to imply and nothing more.

Mr. SPOONER. Mr. President, I was not directing my remarks to what the Senator intended to say; I was directing them to what the Senator did say, as I understood him.

Mr. RAWLINS. I submit that that is in substance all I did say and that no other inference or implication from my remarks could arise than that which arises from the language which I have read from the report of Major Gardener.

Mr. SPOONER. Then it gets down to this, that Major Gardener, or Governor Gardener, whichever it may be, has made a general impeachment of the conduct of Army officers in the Philippines, and therefore there are not to be found in the Philippines American officers to whom can be safely and properly committed the duty of investigating and reporting upon these charges of Major Gardener. The American people, Mr. President, will not believe that, because they know that that is not and can not be true of the American army in the Philippines or any American army that ever has existed.

There seems to be a disposition here to reflect without limit upon Army officers in the Philippines and upon named officers. This attitude of Senators is a strange one. Of course it has nothing to do with this bill. If an Army officer, stung to the quick by the belief that an attitude here in the United States has prolonged insurrection in the Philippines, that utterances here have given strength and vigor to attack upon our troops, who traces to such utterances responsibility for the death of brave men whom he has seen fall around him, speaks a word of criticism upon it, he is called to book in the Senate; it is demanded that he be reprimanded.

And yet Senators here do not hesitate to make savage attacks upon the Army almost as a whole and upon specific officers. They stand here and speak of Funston, who may have talked too much. If he has he has followed the example of many not in military life. We all talk too much, I expect, at some time or other in our lives. It is said that Funston fought his way to fame with the jawbone of an ass. Funston's lips are sealed. I do not defend what General Funston said, but when he was fighting all unknown as a volunteer in the island of Cuba for Cuban liberty he was not fighting with the jawbone of an ass, and when again and again and again, offering his life every moment at the head of as brave men as were ever led into battle, he won fame as a soldier and the commendation of President McKinley, as brave and pure a knight as ever lived or carried sword; he did not accomplish that with the jawbone of an ass; he accomplished it with a sword in his good right hand, which he knew how to use.

Chaffee's bias! Who ordered Major Waller before a court-martial? Chaffee, on information which he derived over there and under no order from here.

It will not do, and here of all places it ought not to be attempted, to smirch the whole American Army or the great band of officers who have led our troops in the Philippines. That there have been outrages committed there by the Army I have no doubt. That any man here wants to conceal them I do not believe. I do not. Whether there have been outrages in the conduct of the war and, if so, what provocation there was for them, is a matter yet to be determined.

Mr. President, there will be an investigation of the conduct of the war. Wherever officers are found to have violated the rules of civilized warfare, to have forgotten the honor of the soldier, they will be punished. The American people will demand it.

The American people, however, will convict no man without a hearing. They will convict no man on the CONGRESSIONAL RECORD. The American people are not constituted in that way. They hear before they strike. They will demand condign punishment upon those who deserve it, but they will suspend judgment until the charges are proven.

I intended to vote for this resolution when it should have been amended to make it constitutional and other than a palpable invasion or attempted invasion by the Senate of the constitutional prerogative of the President. As it came here, it directed the Secretary of War to order an Army officer home. I suggested that we had no right to do that, because the President would have a right to order that he be not sent home, and that is a test of our right to pass a resolution directing the Secretary of War to order him home. Amended so as to request the President to call him home, I intended to vote for it, for I resent for one the intimation constantly made here that on this side of the Chamber we are for suppression and unwilling that investigations which ought to be made shall go on.

But whether the Army in its military operations in the Philippines has or has not observed the rules of civilized warfare, I take it nobody will dispute that we ought to pass, perhaps not the pending bill without amendment, but that we ought to pass some bill for the better government of the Philippines.

I am not willing to vote for this resolution, Mr. President, and briefly I wish to state why. The Senator from Utah thinks that on the present showing this officer ought to be ordered home and permitted at once to appear before his committee. I think not.

What is the history of this business? This report of Major Gardener was not made to General Chaffee. This report of Major Gardener was not made to the Secretary of War. It was made by him as military governor of a province and sent by him to Governor Taft, who at the time was ill.

Governor Taft brought it with him from the Philippines, and about the 7th day of February he brought it to the attention of the Secretary of War, who remarked to him that it required investigation because of the serious charges which it contained. I am not referring now to the opinion of the military officers as to civil government or municipal government, but to the other charges contained in the report, which was transmitted by Governor Taft, and the record of the committee's proceedings shows it on the 7th day of February. The Secretary of War, it is said, suppressed it. I deny that the Secretary of War did with it other than his duty, Mr. President.

Senators seemed to think the Secretary of War should immediately have given it to the Associated Press; that he should have sent it broadcast all over the world, with its general charges against the army in the Philippines. That has not been the practice, and it never ought to be the practice.

Mr. CARMACK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. Yes, sir.

Mr. CARMACK. Mr. President, the complaint was not that the Secretary of War did not give it to the Associated Press, but that when Governor Taft, having that report in his possession, was testifying before the committee charged with the investigation of affairs in the Philippines, and was asked for the reports of the governors of provinces, that and another report were withheld, because they had been retained by the Secretary of War.

Mr. SPOONER. Yes.

Mr. CARMACK. And that report was kept from the committee.

Mr. SPOONER. In other words, it was kept from the public. It had been sent to the Secretary of War and had been retained by the Secretary of War. What did the Secretary of War do with it? He wrote on the 19th day of February this letter, or rather General Corbin did so for him:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,  
Washington, February 19, 1902.

GENERAL: At the instance of the Secretary of War I inclose herewith a copy of a report of Maj. Cornelius Gardener, Thirteenth United States Infantry, as provincial governor of the province of Tayabas, the same having been made by him to the civil governor of the Philippine Islands.

There is so much contained in this report reflecting, not only upon officers of the Army, but the general conduct of affairs and the military branch of the Government, that the Secretary of War desires you to cause a careful inquiry to be made concerning these statements, and if they be found true that the necessary administrative and disciplinary measures be applied to correct these evils.

Your particular attention is invited to the portions of the report which are underscored.

Relating to the operations of the Army and to the strictures upon Army officers, a matter within the jurisdiction of the Secretary of War.

You are requested to make a full report of the investigation herein directed as soon as possible.

Very respectfully,

H. C. CORBIN,

Adjutant-General, Major-General, U. S. Army.

Maj. Gen. ADNA R. CHAFFEE,

Commanding the Division of the Philippine Islands, Manila, P. I.

Mr. CARMACK. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Tennessee?

Mr. SPOONER. Certainly.

Mr. CARMACK. There was another report that was also withheld.

Mr. SPOONER. I am now talking about this report.

Mr. CARMACK. Well, at the same time—

Mr. SPOONER. No, sir; I am dealing with this report now. I will take up the other report and a good many other things when the proper time comes.

What should the Secretary of War have done with that report other than what he did with it? There come here every day hundreds of charges against civil officers throughout the United States; they come to the heads of the departments; they come to the President—charges involving honor, charges of malfeasance and of misfeasance. If the officers to whom they come should immediately give them to the press they would start, in ninety cases out of a hundred, slanders upon good men which would hurt them in their hearts and in their homes. They would act upon a presumption of guilt without investigation. That has never been, to the credit of all our Administrations, the method of transacting public business of that kind.

They direct an investigation; they notify the accused of the charges against him, and they instruct efficient Government officers to look into those charges; and in ninety cases out of a hundred, I am told, the charges are found to be utterly without foundation, to be based upon malice, upon some personal grievance, or upon a misconception of something that has been done. That is the right thing to do, Mr. President, and when a charge is made against Army officers, affecting their honor, imputing to them cruelty and a violation of the rules of civilized warfare, general in its terms, mentioning no officer, what should the Secretary of War do with it?

Mr. RAWLINS. Mr. President—

Mr. SPOONER. In a moment. I undertake to say, Mr. President, he should do with it just what Secretary Root did with it. He should send a copy of it to the commanding general in the Philippines, with instructions to thoroughly, searchingly, and fairly investigate the truth of the charges and report thereon.

Mr. RAWLINS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. SPOONER. Yes; I yield.

Mr. RAWLINS. Mr. President, this was an official report of one civil governor to another civil governor of a government created by the authority of an act of Congress, the conditions of that government being a subject of investigation, under the authority of the Senate, by a committee of the Senate; and the civil governor-general, to whom the report was made, being before that committee, and testifying fully as to all the conditions of that government, being operated under his authority, had this with other reports in his hand relating to those conditions, all pertinent to a bill which was pending before Congress for consideration, and which had been before that committee. He laid before that committee all except two reports; he carried those away to the Secretary of War, and the Secretary of War withheld them until by accident the fact of their existence long after came to the attention of the committee, and it was the unanimous opinion—

Mr. SPOONER. I did not yield to the Senator to make a speech.

Mr. RAWLINS. It was the unanimous opinion of that committee that they were entitled to that information, and upon request they obtained it.

I ask the Senator, in connection with that statement, whether he believes a republican government like ours can be carried on if a military commander can suppress information derived from civil governors, or those upon whom devolves the duty of civil government? That was the question, and the only question—not to smirch a commander, but to give us information as to the nature of a government being carried on under the authority of the Congress of the United States.

If the Senator will permit me further—

Mr. SPOONER. Will the Senator yield to me?

Mr. RAWLINS. I want to say to the Senator—

Mr. SPOONER. Does the Senator think it fair to inject a repetition of his speech into the few remarks I am making?

Mr. RAWLINS. Mr. President, I will yield if the Senator will withdraw the implication. If I had been—

Mr. SPOONER. I will answer any question the Senator wants to ask me, if I can, and if I can not I will say I can not.

Mr. RAWLINS. Then I will ask the Senator—and that was the question I intended to ask him—what objection does he have to our obtaining that information, and what reason can he give why we are not entitled to that information?

Mr. SPOONER. Mr. President, this was a military officer, assigned by military authority to the discharge of civil functions, as I understand it. He sent this report to the civil governor; it



necessarily found its way through him into the hands of the Secretary of War; it contained imputations upon Army officers in the Philippines. The Secretary of War, long before this committee called for this report, had acted upon it. He wrote a letter to General Chaffee directing a thorough investigation into these charges. That was his duty as Secretary of War. It was a manly thing to do, not only in discharge of his duty as Secretary, but a just thing to do to the men who had been impeached by this report of Major Gardener.

Under date of April 2, this cablegram was sent to General Chaffee:

[Copy cablegram.]

ADJUTANT-GENERAL'S OFFICE, April 2, 1902.

CHAFFEE, Manila:

Secretary of War desires that investigation directed by letter of the Adjutant-General of the Army February 19 into truth of the charges made by Cornelius Gardener be prosecuted, and report made thereon with all speed which is consistent with thorough and searching investigation. Full facilities should be afforded Cornelius Gardener to establish truth of the specifications, which, of course, he will be called upon to furnish.

CORBIN.

What carping criticism is made of that? Does it afford justification for imputing to the Secretary of War a desire to suppress the charges uninvestigated made by Major Gardener against his comrades in arms? It called upon him, as every man in the Army or out of it who makes sweeping charges upon the honor of men ought to be called upon to do, to file a bill of particulars, to name the men and the outrages, and to furnish a list of witnesses in order that those who are guilty, if any be guilty, may be singled out and punished, and the rest be vindicated.

Nor was that all in this record, Mr. President. Under date of April 8—and although most of this, I think, was given in evidence before the committee, we have heard nothing from the minority members of the committee who have addressed the Senate except suppression; suppression, suppression, and general accusation of misconduct on the part of the Army in the Philippines—under date of April 8 this cablegram was sent:

[Telegram.]

APRIL 8, 1902.

CHAFFEE, Manila:

Cable progress investigation charges by Cornelius Gardener directed in letter February 19.

CORBIN.

The Secretary of War was not forced to do these things by the pressure of the minority of this committee. He ordered this investigation before they ever heard of this report, and they never did hear of it, as I understand, until it was mentioned in a letter of the Commanding General of the Army.

Under date of April 9 Chaffee replies, and I get to the reason now why I think this resolution ought not to pass and this man ought not to be summoned by cablegram to testify before this committee:

[Telegram.]

APRIL 9, 1902.

CORBIN, Washington:

With reference to your telegram of 8th. Your letter February 19 and inclosures received April 4. Same day Cornelius Gardener directed submit specifications; not received yet. Investigation expedited as quickly as possible.

CHAFFEE.

Then, in answer to a cablegram asking whether Major Gardener had submitted specifications, comes this cablegram, that a board of officers has been appointed, giving their names—Colonel Wint, Colonel Duncan, and Captain Johnston, said to be fair-minded and able men, with honorable military records behind them, Captain Johnston being a member of the bar of the Supreme Court of the United States—who are investigating the truth of these charges, and that Major Gardener up to this time has produced several witnesses, but has furnished but one name.

Now, while this investigation is pending, Senators propose to bring Major Gardener quickly away from the Philippines in order that he may furnish, if he has them to furnish, the particulars of the charges against the Army officers before this committee of the Senate; to go to the world 7,000 miles—yes, 8,000 miles or more—from the witnesses and the officers who would be impugned and impeached by his charges, a proposition which shocks the common sense and decency of every fair-minded man.

Mr. President, there will be plenty of time for Major Gardener to be examined before this committee. Why he was in such haste to get away from there I do not know, but it has been stated on the floor of this Chamber that he wrote asking that he be summoned by cablegram to testify before this committee. I make no reflection on Major Gardener.

I am told he is a brave man, with the record of a brave soldier. If I were given to insinuation, which I am not, I would indulge in some of the suggestions which have been with the utmost generosity poured out in volumes in this debate as to Army officers and the conduct of the Army in the Philippines from the other side of this Chamber. But I respectfully submit that the Secretary of War as to this matter has done his duty; that he acted with alacrity; that he ordered a searching investigation; that he

sought by every means in his power to obtain from Major Gardener specifications of these charges, so far as they relate to the Army and to Army officers, and that the place for Major Gardener first to make his charges against his comrades in arms is where the Army and Major Gardener are, where the witnesses are, and where the officers are whom he accuses, if he accuses any.

So in this situation, Mr. President, as a matter of fair play to the Army over there, and in order to give Major Gardener an opportunity, which an honorable soldier ought to court, he ought to remain in the Philippines until he has formulated and presented these charges, directing attention to the men whose honor he impugns furnishing some testimony, at least his own, to sustain them, and not for the first time to file his accusations before this committee, to go at once to the public to smirch men far away, helpless for the time being, and leave to them later, after conviction has fastened upon the public mind or a part of the public, to remove by evidence those accusations. A man never does succeed, when you put a charge in circulation against him, in removing it from the mind of everybody. Many, many people remember the charge, and they forget or do not even know of the vindication.

If there were no other opportunity to examine this witness, I might feel a little differently about it, but this Congress will not die with the expiration of this session; and, as we have been proceeding, it looks as if this session would not die until the expiration of the summer. I do not think it will until we have passed a bill for the government of the Philippine Islands. I have not read this bill, and I may want to amend it, but there will be plenty of opportunity, Mr. President, to investigate Major Gardener, and to obtain his testimony before one of our committees, as to what happened in the Philippines, and opportunity, either here or over there, to investigate the conduct of the war there on both sides. So I shall vote against this resolution.

Mr. FORAKER. Mr. President, I desire to add just a word to what has been so well said by the Senator from Wisconsin [Mr. SPOONER], and the word I wish to add is a word of defense, if it is proper to use that term, of Governor Taft.

It has been stated in this debate, and it was twice stated here this morning, that Governor Taft was guilty, when a witness before this committee, of withholding the two reports which have been referred to, and I find in the RECORD that he was charged with lack of candor in doing so.

The record of the hearings before the committee, Mr. President, shows conclusively that such a statement is unwarranted. Governor Taft went to the Philippines as president of the Philippine Commission, under an order and appointment with which we are all familiar. In the order issued by President McKinley to Secretary Root, announcing the appointment of this Commission and defining its powers, it was expressly stated as an order to the Commission that they will, from the exigencies of the situation while there, be constantly under the control and direction of the Secretary of War. Therefore, while Governor Taft was civil governor, yet all his powers were to be exercised under the supervision and direction of the Secretary of War, and his reports were to be made to the Secretary of War.

When the two reports referred to were made to him, as he relates in his testimony, they were handed to him as he was leaving for the United States, and he did not see them until he was on the ocean. When he arrived in Washington he presented them to the Secretary of War. The Secretary of War at once directed Governor Taft to deliver the reports to him, not that he might suppress them, but, as the Senator from Wisconsin has so well pointed out, in order that he might order an investigation, such as has been referred to, into the truth of the charges that were made in those reports—the one made by Major Gardener and the other made by the secretary of the province of Batangas.

When Governor Taft was upon the stand testifying he did not withhold anything that he had in his possession or control. He was asked to testify and he undertook to testify as to the reports that were in his possession, and all those reports he did give to the committee, and they are to be found in the record. It is due to Governor Taft to put in the RECORD in this connection what he himself said in regard to this matter.

On the 8th of April, 1902, having learned that a charge of this nature was made against him, he sent to the Secretary of War, from Cincinnati, Ohio, where he then was, the following statement:

[Telegram.]

CINCINNATI, OHIO, April 8, 1902.

SECRETARY OF WAR, Washington, D. C.:

I send to you for transmission to Senator LODGE the following:

I am advised by morning dispatches that I am charged with disobeying the rules of your committee in not producing before it a report made by Colonel Gardener, governor of Tayabas, on conditions in that province.

The report was handed to my secretary, with many others on various subjects just before I sailed from Manila, December 24 of last year. I did not read it until I was well on my way across the Pacific. On reaching Washington I submitted it to Secretary Root, with the statement that Colonel Gardener was successful as military commander in Tayabas in keeping it peaceful; that he was a good governor, and was popular with the people, and

that I would believe implicitly anything stated of his own knowledge, but that I feared the great friction between him and those officers succeeding him in military command had so influenced his judgment that charges made by him, necessarily based on evidence of others, against the conduct of military affairs in the provinces ought not to be acted on without giving those accused an opportunity to be heard, and that had I read the report before leaving Manila I should have referred it to General Chaffee for investigation and comment.

The Secretary of War accordingly directed me to transmit the same to him for the purpose of forwarding it to General Chaffee, and I did so under date of February 7. At the same time I submitted to him a report from Secretary of Batangas Province (also delivered to me on the steamer), a report which by law could only be called for by the military governor, and this was also transmitted to the Secretary of War. Thereafter, on the same day, in my testimony before your committee, I produced reports from 23 governors of organized provinces, expressly limiting them to those in which there was no insurrection. (See record, p. 190.)

In other words, Mr. President, it appears from the statement of Governor Taft that what he testified about, and all he undertook to testify about, were the reports from the provinces that were pacified, and as to reports in his possession; but these particular reports had been, under the order of the Secretary of War, transmitted by Governor Taft to the War Department, in order that there might be this investigation made.

Now, I want to suggest just one other thought in addition to that which was suggested by the Senator from Wisconsin, or rather I want to elaborate one point a little more than he did. We are asked here to require that Major Gardener shall be summoned to Washington to testify in regard to charges which he has already made in a general way, but with respect to which he has refused to furnish any specifications or to give the names of any witnesses whatever. Why should he be brought here in order that there may be an inquiry into these matters when Senators must know that he can not give evidence without naming the offenses and without naming the witnesses who are in the Philippines, and if we are to have an investigation after we have heard Major Gardener, we must then send to the Philippines for the witnesses to either confirm him or to disprove that which he may have to say here.

If it be a question of having this matter investigated before Congress adjourns, it seems to me that the delay of the investigation until he can be brought here will be to make it absolutely impossible that we shall adjourn, even at the end of the summer, as the Senator from Wisconsin suggested we might possibly be able to do.

So it seems to me that the place where these charges ought to be investigated is in the Philippines, where they were made. Look over the report of Major Gardener and see the nature of it, and you will find that every charge he makes has reference to something that is alleged to have been done there; something that is alleged to have been said there; something that is alleged to have been done in the province of which he was governor, or something which is alleged to have been said in the Philippine Archipelago, and particularly something which is alleged to have been said at Manila by officers of high rank. That is his statement. If that be true, what he is talking about is not the statement of some indefinite somebody, but of somebody whose name can be given, somebody who can be found, somebody who can be brought before the board of inquiry, and somebody who can give a statement upon which these officers will be enabled to arrive at a conclusion as to whether or not there is any truth in what Major Gardener has said, or whether it has been in any manner whatever exaggerated.

There can not be, Mr. President, it seems to me, any abuse of the rights of Major Gardener in this matter. Every word of testimony that will be taken before this board of inquiry we have a right to assume will be taken down stenographically—it will be reported; and if he has heard witnesses say thus and so, he has but to name them there, and the records will show whether or not he was warranted in imputing to them what he says they have said, and we can judge when the record is made up and has been transmitted here whether or not the board has acted fairly.

I agree with the Senator from Wisconsin that we have a right to rely upon the honor of the officers of the American Army, and we have a right to rely upon it that what men with such military records behind them as have the officers constituting this board will do will be honestly done, be truthfully and justly done, and be done without any malice or without any intent whatever except only to arrive at the truth.

Mr. LODGE. Mr. President, when I made the request that the resolution lie over I supposed I was consulting the convenience of Senators upon the other side.

Mr. RAWLINS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Utah?

Mr. LODGE. I should like to finish what I have to say. I did not suppose debate would arise upon it. I now wish to withdraw the request. I hope the resolution will be brought to a vote if we are to pass upon this matter. It seems to me it is perfectly monstrous to bring a man here to make charges in the safe shelter of a Senate committee, with the accused and the witnesses 10,000

miles off in the Philippines. I hope it will be met here and voted down and that the Secretary of War will be sustained in his action.

Moreover, I for one do not believe that by Senate resolution we can dissolve a board of inquiry now proceeding in the Philippine Islands.

Mr. MORGAN. I wish to ask a question about that matter of the chairman of the committee.

Mr. LODGE. I yield to the Senator from Alabama.

Mr. MORGAN. Is that court of inquiry in organization?

Mr. LODGE. It is organized and sitting.

Mr. MORGAN. And Major Gardener is before the court answering an inquiry?

Mr. LODGE. He is.

Mr. MORGAN. I do not understand how the Senate of the United States has the right to dissolve the court or take him out of its custody for the purpose of bringing him here to testify as a witness.

Mr. RAWLINS. Mr. President, I did not rise when I submitted the remarks I did this morning for any purpose of provoking a general discussion on the question of the Philippines. I simply rose for the purpose of calling attention to the peculiar situation of this case and of the inquiry which is proceeding, or about to proceed, in the Philippine Islands based upon the report of Major Gardener, and that the result of the inquiry would, in all probability, not be satisfactory. I did not, in the remarks which I made, insist that Major Gardener should be summoned at this time and heard before the Committee on the Philippines.

Mr. SPOONER. Will the Senator from Utah allow me to ask him a question?

Mr. RAWLINS. Permit me to complete my statement, in order that I may be understood, and then I will yield.

Mr. SPOONER. Certainly.

Mr. RAWLINS. But I did make the suggestion for the purpose of calling attention to the status of that case as it now appears to the Senate. I now yield to the Senator from Wisconsin.

Mr. SPOONER. Did the Senator rise for the purpose of telling the people of the United States that, in his opinion, these three officers, who have not really begun yet this inquiry, could not be trusted to conduct it fairly and justly, and make an honest report upon it?

Mr. RAWLINS. If the Senator will allow me to answer his interrogatory, I will say I know neither of the officers who have been designated as members of the court of inquiry. For aught I know they may be thoroughly honorable and fair-minded men. They may do exact justice in this inquiry. What I desired to call attention to is the fact that the Army as a whole, including the highest officers of the Army, were embraced in the accusation in the official report of Major Gardener, and that under those circumstances it is scarcely possible to obtain officers in that very Army who would hold the scales of justice even in that inquiry; because officers of the Army, like all other men, are human, and in the administration of justice everywhere, whenever it appears that the presiding judge has an interest in the controversy, is one of the objects of the inquiry, and that the result of the decision is to be to his injury or his benefit directly, in no civilized country is he permitted to sit. Indeed, it has been so held everywhere, as the Senator from Wisconsin well knows.

But this inquiry is instituted. Major Gardener is there, and is called upon to make his specifications and furnish his evidence. They have designated for him some person to act as his counsel, and under those circumstances I know that the Senate is not going to demand him to appear here at this time. Mr. President, I did not rise for the purpose of insisting that it should make that direction.

Now, in answer to some suggestions and statements made by the Senator from Wisconsin, I will say that I agree with him that we should presume no man guilty, whether he be an Army officer or a private soldier or simply an American citizen, unless there is clear and satisfactory evidence of the fact of his guilt.

The minority has made no general charge against the Army; it has made no general imputation against officers of the Army; and I challenge any Senator upon the other side to point to a single instance where we, on this side, have made any accusation other than by the simple presentation of the proofs and the evidence and official documents and orders, concerning which there has been no dispute.

In that connection I said I was loath to hold up the officers, the men who are fighting in good faith the battles of the Republic, to criticism of any description whatever, and I would not do so except as the evidence conclusively proved the things which were made matters of accusation.

The effort of the minority has been not to besmirch the Army or any officer or man in the Army, but that before a competent committee of the Senate there might be a full, a fair, and a complete inquiry in order that those who are guilty may suffer the censure of the American people and the just punishment which



the proof may show them to merit, and that those who are not guilty may be exonerated and receive the benefit of the exoneration in the mind of every fair and reasonable man in the country.

When, therefore, we ask that Major Gardener or any other witness be invited to appear before a committee of the Senate charged with this inquiry by a resolution passed by the Senate, we do so in order that we may ascertain the truth, in order that the charges made in the report of Major Gardener may be sifted, in order that we may ascertain how much of foundation there may be in them.

It will not do for Senators upon the other side to obstruct our efforts to obtain a full investigation in order to ascertain the truth, in order that we may not make general accusations, in order that we may not hold up to ignominy Major Gardener, in order that we may show the facts in this case. We are met everywhere with obstructions.

Mr. LODGE. I rise to a point of order.

Mr. RAWLINS. Even when we ask to have a witness summoned—

Mr. LODGE. I make the point of order that no Senator on the floor is entitled to charge other Senators with obstructing an investigation.

Mr. GALLINGER. Especially when they are not doing it.

Mr. LODGE. Especially when they are not doing it.

Mr. FORAKER. If I may be allowed to make a suggestion, I want to say to the Senator from Utah that, notwithstanding all he has said, he could very well wait until after the investigation in the Philippines is concluded before examining this man. Nobody is objecting to the committee having this witness here; but inasmuch as he is there, yonder, we feel it is due to truth and justice that they shall first conclude that examination before this one is commenced.

Mr. RAWLINS. The Senator from Massachusetts says I am out of order because I have stated that we have been obstructed in obtaining a full and complete investigation of this case. The Senator from Massachusetts, as a rule, has summoned witnesses, who have been suggested, who might have competent knowledge to give to the committee upon the question under consideration. When other witnesses have been suggested, the committee have decided that they ought not to be summoned for one reason and another. The sufficiency of the reasons I do not care to discuss. It may be satisfactory to those Senators who make the objection. They are entitled to their judgment as well as I am entitled to mine. I am going to pass from that question. I desire to call attention to a matter to which the Senator from Wisconsin alluded, namely—

Mr. FORAKER. Will the Senator allow me to ask him a question? I dislike very much to interrupt, but I do it simply for information. I am not a member of the committee, and I have not been present at the hearings, and I do not know what witnesses were asked for who were subpoenaed, except as I have learned from the newspapers. I wish to ask the Senator whether any witnesses were asked for and not subpoenaed except only Edward Atkinson and Aguinaldo?

Mr. RAWLINS. Well, I do not know.

Mr. FORAKER. Were there any except those two? I have not heard of any.

Mr. LODGE. I will tell the Senator, if the Senator from Utah will allow me. I stated it on the floor of the Senate the other day. We refused to summon Edward Atkinson, Aguinaldo, Mabini, Pilo Del Pilar, Howard M. Bray (an Englishman at Hongkong), and Sixto Lopez.

Mr. FORAKER. I beg pardon for not being familiar with it. I did not, I suppose, happen to be in the Senate when the Senator from Massachusetts made the statement.

Mr. RAWLINS. The Senate committee decided, and I think the Senator from Massachusetts will agree with me, that no witnesses should be summoned who had not been in the Philippine Islands. Without desiring to detain the Senate at length, in regard to some of these witnesses testimony has been elicited, hearsay in its character, as to statements made by these men whom we desired to summon. We thought it but fair that they should be brought here and be permitted to make their own statements in their own way rather than have a repetition of those statements made to us secondhand by others; that if the statements made by them were material, it was wise to have the best evidence of their statements and their declarations and their opinions. As the committee was determined to have those opinions from the men whom we asked to have them summoned, our contention was that the persons whose opinions were desired ought themselves to be summoned and be permitted to state them.

There is Aguinaldo, who has acknowledged allegiance to the United States, who advised the insurgents who were formerly under his control to surrender their arms and do likewise; Aguinaldo, who is acknowledged to be the most influential man in the islands among the native people there, a man who is very highly

spoken of by General MacArthur and others. We thought it but fair to him, as the majority were eliciting from other witnesses declarations claimed to have been made by him, that he should be summoned and be permitted to tell his own story.

The Senator from Wisconsin properly desires to protect the reputation and honor of the men who have gone out to fight the battles of the Republic. I share that desire with him. As for the Secretary of War, so far as he is concerned in the protection of the honor of the men who have gone out to fight the battles of the Republic—

Mr. SPOONER. Mr. President—

Mr. RAWLINS. Just a moment. I have here in this book a series of cases, some forty in number, statements made by men who have gone out and borne the heat and trial of battle in the Philippine Islands. One of them is Sergt. Charles S. Riley. He told a truthful and plain story of certain occurrences which had happened there. They were of importance to the American people, and the person to whom the letter was addressed furnished it to the press. The attention of the War Department was called to it, and it assumed to make an investigation of it. Did they permit Riley to be heard before announcing their determination as to the truth or falsity of that charge? It has been investigated, and I have what the Secretary of War has said about it:

In a letter written by Sergt. Charles S. Riley, Company M, Twenty-sixth United States Volunteer Infantry, which was published in the Northampton (Mass., Herald) about March 8, 1901, in which letter the soldier related various crimes of violence against natives, it was stated that the "water cure" was administered to extort information, and that the town of Igbarras, Panay, was burned to the ground. This publication called forth a number of letters to the Department protesting against such outrages. One letter, from Isaac Bridgeman, dated Northampton, Mass., March 13, 1901, was on March 19, 1901, referred to the commanding general, Department of California, for reference to the commanding officer Twenty-sixth United States Volunteer Infantry, upon its arrival in the United States, for report. This letter was returned by indorsement of the commanding officer of the Twenty-sixth United States Volunteer Infantry, dated April 24, 1901, with his report, as follows—

This was given to the Associated Press—

[Fourth indorsement.]

HEADQUARTERS TWENTY-SIXTH INFANTRY,  
UNITED STATES VOLUNTEERS,  
Presidio of California, —, —.

Respectfully returned.

Sergeant Riley, Company M, Twenty-sixth Infantry, United States Volunteers, states that the publication inclosed was of a private letter and without any authority whatever. The tendency of enlisted men to draw the long bow in such cases is well known. Major Cook, Captain McDonald, and Sergeant Riley state that no officers or soldiers of this regiment took part in any so-called water-cure proceedings or other threats against the natives on the occasion stated.

Undoubtedly there were violations of the rule and custom of war; and as the complainants may have overlooked notice thereof, I shall state a few cases within my personal knowledge—

Mr. LODGE. The Senator ought to say that he has been reading from the report of the lieutenant-colonel of the regiment.

Mr. RAWLINS. I was going to say that. But upon investigation by the committee we found that every statement made by this sergeant was true. It was proved so conclusively that members of the committee declined to hear further testimony of the facts, because it was no longer a matter of controversy. Riley was before the committee, and his testimony, which is no longer disputed, is that he told the colonel, to whom this reference was made by the Secretary of War, that the things which he had stated in that letter were true. And the Secretary of War thereupon makes publication of the report of Colonel Dickman.

The Secretary of War perhaps relied upon the truth of this report made by Colonel Dickman. But it shows what reliance we may put upon these investigations. There are 40 of them published, involving the character for truth and veracity of men who have gone out and done battle for the Republic, and in every instance where the committee has had an opportunity to investigate we have found that the charges made in those letters were true. The attempt on the part of these official documents, published broadcast, to brand these men who have simply told the truth—

Mr. LODGE. The Senator, I think, in justice ought to state that this is the only case of the 40 which has been sustained.

Mr. RAWLINS. If I may be permitted, this is the only one of the 40 which has been investigated by the Senate committee. If time will permit us ever to complete an investigation of these numerous things, the Senator will find, I think, that the Riley case is a sample one.

In every statement which I have made to the Senate I have scrupulously avoided referring to letters and newspaper articles and declarations which have not been furnished under the sanction of an oath before a competent tribunal. I have my desk full of information which I believe would be supported by the oath of those from whom it emanates. I do not intend to allude to it. I have alluded to no case except that which has been conclusively shown to be founded in fact, and I make no innuendo or implication against any officer or any soldier beyond those things which have been proved to be true.

Mr. CULBERSON obtained the floor.

Mr. LODGE. Will the Senator from Texas permit me to give a notice?

Mr. CULBERSON. Certainly.

Mr. LODGE. I desire to give notice that on Monday at 2 o'clock I shall ask the indulgence of the Senate to address it on the Philippine bill.

Mr. CULBERSON. Mr. President, there is a statement in the hearings before the Committee on the Philippines questioning the candor of Governor William H. Taft with reference to the report of Major Gardener, civil governor of the province of Tayabas. I made the suggestion of lack of candor, and I take it that I am the Senator to whom the Senator from Ohio [Mr. FORAKER] referred in his remarks.

When Governor Taft was testifying before the committee, he stated that he had the reports of the civil governors of certain organized and pacified provinces in the archipelago which he would submit, and as others were received he would submit them to the committee as a part of his testimony in the case. After he had submitted the reports of the civil governors of 23 of those provinces the question came up as to why other reports had not been made, and I desire to read to the Senate a brief extract from the proceeding before the committee.

Mr. PATTERSON. Will the Senator from Texas state from what page he is about to read?

Mr. CULBERSON. I will read from page 293:

Senator CULBERSON. You have referred to the letters of the governors in the record. As I count them, there are only 18 out of 34 organized provinces. Governor TAFT. Whatever the number may be.

Senator CULBERSON. Why are there no letters from the other organized provinces on the question of pacification?

Governor TAFT. With respect to the pacified provinces, the request was made by General Wright, I think, not longer than a week before I left, by telegram, and the reports had not all come in. Shall I proceed?

Mr. President, the province of Tayabas was an organized province in the archipelago. The Philippine Commission had appointed a civil governor of that province, and he was discharging the duties of that office. Governor Taft said in substance and led the committee to believe that he had delivered to the committee all of the reports which he had received from the governors of organized and pacified provinces in the archipelago.

That is not all about this matter, Mr. President. The direct question was put to him why there were no letters from the "other organized provinces on the question of pacification," and he answered evasively that the reports which had been received from pacified provinces had been submitted, when at that very time, at the very moment the Governor was testifying, he had in his possession or subject to his control in the War Department this extraordinary report of the governor of the province of Tayabas.

Is that candor, in the opinion of the Senator from Ohio? Was that a fair, a manly, a candid statement upon the part of Governor Taft to say, in effect, that he had submitted to the committee all the reports of the civil governors of organized provinces in the archipelago on the subject of pacification when he had at that time, in conjunction with the Secretary of War, withheld, and, in my judgment, undertook, to that extent and for that time, to suppress from the committee and from the American people this report, which was from the civil governor of an organized province?

There is yet another phase of this question.

On the 27th day of January of this year the Senator from Massachusetts [Mr. LODGE] submitted a resolution, which was at once adopted, from the Committee on the Philippines, empowering the committee to examine into all the conditions in the islands, and since that date the committee has been engaged in the exercise of that duty; and while it was proceeding one of these reports was withheld, and the Secretary of War is now attempting to take from the Senate committee and from [the Senate] an examination into the condition of that province as directed by the Senate.

This effort on the part of the Secretary of War to take from the Senate committee and from the Senate the right which it was proceeding to exercise of examining into these conditions is indorsed by the Republican side of this Chamber, and when we suggest that we ought to be allowed to proceed they answer us that the procedure should be under the direction of the Secretary of War because he had first assumed jurisdiction, when as a matter of fact the Senate had first assumed jurisdiction. The Secretary of War took from the committee, through Governor Taft, a portion of the testimony to which it was entitled, and he now endeavors to take this examination into his own hands and out of the hands of the committee.

Mr. SPOONER. Will the Senator allow me?

Mr. CULBERSON. Certainly.

Mr. SPOONER. Is it not a fact that the Secretary of War had ordered this investigation before the Senate committee ever heard of the existence of such a thing?

Mr. CULBERSON. That is not the question.

Mr. SPOONER. That is the question I put.

Mr. CULBERSON. The Senator might put it a little more mildly.

Mr. SPOONER. I beg pardon; I did not mean to be offensive.

Mr. ALLISON. Mr. President—

Mr. SPOONER. Anything seems to be offensive that is not all on one side in this business.

Mr. CULBERSON. Oh, no. I will not say all that I feel about it.

Mr. ALLISON. Will the Senator yield to me for a moment?

Mr. CULBERSON. Certainly.

Mr. ALLISON. The Senator read from Governor Taft's testimony partially, and he read from page 293. I notice on page 292, when this very matter was before the committee, Governor Taft said:

Governor TAFT. Now, as to the conditions prevailing in the pacified provinces—I leave out Batangas, Laguna, Tayabas, and Samar, because all of Batangas is involved in the present so-called "guerrilla warfare," part of Laguna, part of Tayabas, and all of Samar, and possibly, though there is a difference of opinion about that, a little tract in Misamis, the difference of opinion being as to whether Rufino is an insurrecto or a ladrone.

What I wish to call the attention of the Senate to as respects Governor Taft is that in submitting to the committee the reports of governors he only submitted the reports from the provinces that were pacified at the time, and he expressly omitted Tayabas, and the committee did not make inquiry concerning it.

I have great regard for the Senator's statement that Governor Taft by this may have misled some member of the committee, but it would have been quite easy, in view of his testimony, to have asked Governor Taft as respects the provinces that were not pacified, which he especially excepted. So I do not think from the statements on pages 292 and 293, taken together, it can fairly be charged that Governor Taft in any way sought to mislead the committee upon that subject.

Mr. CULBERSON. Mr. President, Governor Taft said in his testimony that the province of Tayabas had been organized, a civil governor had been appointed, and that with the exception of a small portion of it it had been pacified. The reference which the Senator from Iowa makes to the record in the hearings is as to the testimony that Governor Taft was giving and not with reference to any report of the governors of provinces. In order that I may be thoroughly understood, I want to read again my question to him. It was as follows:

Why are there no letters from the other organized provinces on the question of pacification?

I did not ask him why he had not submitted any letters from other organized provinces on the question of pacification, but I asked him why there were no other letters on that subject; and the governor was uncandid enough to evade it and suggest that he had submitted all of the letters he had received from what he called the pacified provinces, when, as I have repeatedly said, he had at that time this unfavorable report of conditions in the province of Tayabas, which was organized.

Mr. FAIRBANKS. May I interrupt the Senator from Texas?

Mr. CULBERSON. Certainly.

Mr. FAIRBANKS. I have before me the record from which the honorable Senator has read. He is more familiar with it than I am, but it seems to me that the two following questions and answers do not quite sustain the Senator's charge that Governor Taft was suppressing the truth.

Mr. CULBERSON. I did not expect to convince anybody over there to that effect.

Mr. FAIRBANKS. Well, I do not know the purpose of the Senator's argument.

Governor TAFT. With respect to the pacified provinces, the request was made by General Wright, I think not longer than a week before I left, by telegram, and the reports had not all come in.

Showing that he did not have full reports and did not pretend to present them.

Mr. CULBERSON. But he had this particular report.

Mr. FAIRBANKS (reading):

Shall I proceed?

Senator CULBERSON. Certainly.

Governor TAFT. It is quite possible that before I get through there will be in the mail other reports; and if so, I will be glad to submit them to the committee, if they desire.

Mr. CULBERSON. Now, what is the question?

Mr. FAIRBANKS. It seems to me that that is a thoroughly frank statement.

Mr. CULBERSON. What is the question of the Senator?

Mr. FAIRBANKS. I propounded no question. I suggest whether the Senator's stopping where he did in the testimony gave a fair inference and whether he did Governor Taft justice. I understood him to say that Governor Taft had suppressed reports; that he had pretended that all the reports from pacified provinces had been furnished. I read the testimony following the point at which the Senator stopped to show that Governor



Taft did not pretend to have furnished all the reports from the pacified provinces.

Mr. CULBERSON. The trouble with the suggestion of the Senator from Indiana is that Governor Taft did, up to the time he spoke and by the testimony from which the Senator has read, leave the committee under the impression that he had presented all of the reports from organized provinces which he had received, promising that if any other reports came in afterwards he would submit them to the committee; but at the very time he was testifying, from which the Senator has just read, the Governor had in his possession this report, which was with reference to the condition of pacification in one of the organized provinces of the archipelago; and when I asked him why there were no letters from other organized provinces with reference to pacification he evaded it. He left the committee under the impression—and, in my judgment, designedly so—that there were no other letters from governors of organized provinces on the subject of pacification.

Mr. President, reverting for a moment, and a moment only, to the other suggestion which I have made, that this is an effort upon the part of the War Department to take from one of the committees of the Senate an investigation with which it had been charged long before the Secretary pretended to take any action in the matter, I call attention again to the fact that this resolution was reported on the 27th of January, 1902, by the chairman of the committee and adopted, and this committee was proceeding with an examination into the condition of that very province, among others, when the Secretary of War, in connection with the civil governor of the archipelago, took from the committee, about February 7, one of the reports to which it was entitled, and it is now insisted that he has jurisdiction of the subject instead of the committee of the Senate.

The fact that the Secretary of War had ordered an investigation before the committee came into possession of the report, as suggested by the Senator from Wisconsin, is of no consequence; it is but a phase of the scheme to take from the committee an examination into the matter upon which it was proceeding when the report was withheld from the committee and delivered to the Secretary.

Mr. PETTUS. Mr. President, I ask the attention of the Senate merely for the purpose of requesting the Senator from Utah [Mr. RAWLINS] to withdraw this resolution, because we are in a situation where the witness can not be had, and why press it, and why press this discussion, which leads only to bitterness at last?

Mr. FORAKER. Mr. President, the Senator from Texas [Mr. CULBERSON] has talked to us about a lack of candor, lack of frankness, about evasion, about intentional suppression of the truth, and has charged all these offenses to Governor Taft. I have the highest respect for the Senator from Texas. I believe that he thinks he believes everything that he says. But, Mr. President, he has said some things here which I am sure he will not adhere to when his attention is called to the record from which he has quoted. He has told us not only once, but repeatedly, in the course of the remarks he has just made that when Governor Taft made the answers to his questions which he read from page 293 of this record he had in his possession, these two reports, one from Major Gardener and the other from the secretary of the province of Batangas.

Mr. CULBERSON. I said he had them in his possession or subject to his control in the War Department.

Mr. FORAKER. At one time the Senator added that qualification but when he was answering the Senator from Indiana [Mr. FAIRBANKS] he said without any qualification whatever that the trouble with Governor Taft's answer was that when he said he had given these reports he had in his possession two reports which he was withholding, and he not only said he was withholding these reports, but he said he was withholding these reports for the purpose of keeping the truth from the committee that had a right to the reports. I may not quote his exact words, but I do not exaggerate the statement the Senator from Texas made. I think I have quoted almost identically the language that he employed.

Now, what is the truth? That testimony was given by Governor Taft on the 14th day of February, 1902, before the committee. In his letter which I read a moment ago, when I last had the floor, Governor Taft tells us that on the 7th day of February, seven days before that time—in response to an order made upon him by the Secretary of War, whose order he was bound to obey—he had transmitted both these reports to the Secretary of War.

Mr. PATTERSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. FORAKER. Certainly.

Mr. PATTERSON. I simply want to ask the Senator from Ohio to give us the date of the letter from which he quotes.

Mr. FORAKER. April 8, 1902. Governor Taft at that time had concluded his testimony before the committee, and had re-

turned to his home at Cincinnati. While in Cincinnati he learned, from what was published in the daily papers, that it was being charged here that he had withheld these two reports from the committee. Thereupon he wired to the Secretary of War the telegram which I read, and requested him to furnish the same to the chairman of this committee. I called attention a moment ago to the fact that he is bound by the orders under which he is acting, to be governed and directed in all things by the Secretary of War. He is bound to make all his reports to the Secretary of War, and to communicate all his proceedings through the Secretary of War.

Mr. CULBERSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. With pleasure.

Mr. CULBERSON. I will ask the Senator from Ohio—

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

#### EXPENSES OF MILITARY OPERATIONS, ETC., IN THE PHILIPPINES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 17th ultimo, memoranda from the Quartermaster-General, the Surgeon-General, and the Chief of the Signal Corps, showing the difficulties involved in securing information relative to the amount of money paid by the United States for or on account of the Philippine Commission to the date when such expenses were paid out of the Philippine treasury, also as to the amount of money paid by the United States for or on account of railway transportation for troops to and from the Philippine Islands since the ratification of the treaty of peace between the United States and Spain, etc.; which, with the accompanying papers, was referred to the Committee on the Philippines, and ordered to be printed.

#### TREATIES WITH INDIANS IN OREGON.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of March 25, 1902, a report from the Commissioner of Indian Affairs, relative to the treaties negotiated with tribes of Indians in the Territory of Oregon, under the act of June 5, 1850, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

#### HELEN A. B. DU BARRY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1037) granting an increase of pension to Helen A. B. Du Barry; which was, in line 9, before the word "dollars," to strike out "fifty" and insert "forty."

Mr. GALLINGER. I move that the Senate disagree to the amendment made by the House of Representatives and ask for a conference on the disagreeing votes of the two Houses thereon.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. BURTON, and Mr. PATTERSON were appointed.

#### CHARLES D. PALMER.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13371) granting an increase of pension to Charles D. Palmer, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. SCOTT, and Mr. GIBSON were appointed.

#### ELIZABETH A. BURRILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 12054) granting a pension to Elizabeth A. Burrill, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendment and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. GALLINGER, Mr. DEBOE, and Mr. TURNER were appointed.

## OLE STEENSLAND.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives on the amendment of the Senate to the bill (H. R. 10782) granting a pension to Ole Steensland, and asking for a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendment and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate; and Mr. FOSTER of Washington, Mr. PRITCHARD, and Mr. TALLAFERRO were appointed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. H. MCKENNEY, its enrolling clerk, announced that the House had passed the bill (S. 5105) fixing the terms of the circuit and district courts in and for the district of South Dakota, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 11060) to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases;

A bill (H. R. 11725) to amend section 4139 and section 4314 of the Revised Statutes;

A bill (H. R. 13996) making appropriations for the diplomatic and consular service in the republic of Cuba; and

A bill (H. R. 14019) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes.

The message also communicated to the Senate the intelligence of the death of Hon. AMOS J. CUMMINGS, late a Representative from the State of New York, and transmitted resolutions of the House thereon.

## ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 3361) providing for the removal of the port of entry in the Albemarle collection of customs district, North Carolina, from Edenton, N. C., to Elizabeth City, N. C.;

A bill (S. 4768) to authorize the United States and West Indies Railroad and Steamship Company, of the State of Florida, to construct a bridge across the Manatee River in the State of Florida;

A bill (S. 4932) providing for the extension of the London Park National Cemetery, near Baltimore, Md.;

A bill (H. R. 1964) to provide for a light-house keeper's dwelling, Ecorse range-light station, Detroit River, in the State of Michigan; and

A bill (H. R. 13246) to authorize the construction of a bridge across the Chattahoochee River between Columbus, Ga., and Eu-  
faula, Ala., or in the city of Columbus, Ga.

## PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had on the 1st instant approved and signed the act (S. 4148) to grant certain lands to the city of Colorado Springs, Colo.

The message also announced that the President of the United States had on the 2d instant approved and signed the act (S. 715) to provide for two additional associate justices of the supreme court of the Territory of Oklahoma, and for other purposes.

## HOUSE BILLS REFERRED.

The bill (H. R. 11060) to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. 11725) to amend section 4139 and section 4314 of the Revised Statutes was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 13996) making appropriations for the diplomatic and consular service in the Republic of Cuba was read twice by its title, and referred to the Committee on Relations with Cuba.

The bill (H. R. 14019) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

## CIVIL GOVERNMENT FOR THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2295) temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes.

Mr. FORAKER. Mr. President, I wish to conclude the few sentences I want yet to speak before taking my seat.

The PRESIDENT pro tempore. The bill touching civil government in the Philippine Archipelago is before the Senate.

Mr. FORAKER. So I understand.

This interruption has been so long continued that I am afraid I have forgotten just what I was saying when it commenced, but my recollection of what I was saying is that I was undertaking to point out to the Senator from Texas that at the time when Governor Taft answered the questions cited by him from the record, namely, on February 14, for that is the date given in the record, when he was giving that testimony, he did not have in his possession these two reports. He could not therefore have withheld the two reports, and it is not true, as I understand it, Mr. President, that he had any control whatever over these reports. It was his business to obey the order of the Secretary of War with respect to that as with respect to everything else, and when he received an order from the Secretary of War to turn over to him these two reports and he complied with it that was the end of his control over the reports.

Mr. CULBERSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Well, I will yield.

Mr. CULBERSON. Just a moment. The Senator undertakes to defend the action of Governor Taft in withholding these reports on the ground, as he puts it, that he had been ordered by the Secretary of War to deliver them to him, and that he was compelled to obey, whereas the facts, undisputed in the record, show that Governor Taft voluntarily delivered the reports to the Secretary of War himself.

Mr. FORAKER. Mr. President, the Senator from Texas is again in error. If the record shows any such thing as he now states, I do not know where in the record it can be found. I can point out to him, and I have already pointed it out to him and to the Senate, that the record shows just the contrary, for Governor Taft says in this communication—

Mr. CULBERSON. I will read it.

Mr. FORAKER. Mr. President, I will yield, of course, if the Senator wants me to, but I should like to utter at least two sentences without being interrupted.

Mr. CULBERSON. I will read it.

Mr. FORAKER. What is the page?

Mr. CULBERSON. The Senator was replying to what I said, and he charges distinctly that there is nothing in the record such as I suggested.

Mr. FORAKER. I said, Mr. President, that I did not know where you could find in the record what the Senator said was in the record, and I said I knew where I could find the contrary in the record.

Mr. CULBERSON. I will show it to you.

Mr. FORAKER. Very well; but could you not wait a little while until I conclude?

Mr. CULBERSON. It comes in very good just now.

Mr. FORAKER. Very well; I will yield to the Senator.

Mr. CULBERSON (reading):

WASHINGTON, D. C., February 7, 1903.

Mr. FORAKER. On what page?

Mr. CULBERSON. Page 886 of the record.

Hon. ELIHU ROOT,  
Secretary of War, Washington, D. C.

SIR: I herewith transmit to you reports of the condition of Batangas and Tayabas, disturbed districts in the archipelago, with a view, as suggested in our conversation, to an investigation of certain charges made by Colonel Gardener, the governor of Tayabas, as to the conduct by American troops in the suppression of the insurrection in these two provinces.

Very respectfully,

WM. H. TAFT.

Mr. FORAKER. Mr. President, I submit that what the Senator has read does not show that Governor Taft voluntarily placed these reports in the hands of the Secretary of War. He states in his communication that he transmits them pursuant to their conversation, his language being—

with a view, as suggested in our conversation, to an investigation of certain charges made by Colonel Gardener, the governor of Tayabas, as to the conduct by American troops in the suppression of the insurrection in these two provinces.

Now, Mr. President, let that be read in connection with what I have already called attention to, the statement of Governor Taft, as found on page 889 of the record. Governor Taft there says:

The Secretary of War—

After he had acknowledged the receipt of these reports—

The Secretary of War accordingly directed me to transmit the same to him for the purpose of forwarding it to General Chaffee, and I did so under date of February 7. At same time I submitted to him a report from secretary of Batangas Province (also delivered to me on the steamer), a report which by law could only be called for by the military governor, and this was also transmitted to the Secretary of War.

Now, Mr. President, we have it in the record upon this statement of Governor Taft that he did not act voluntarily, but by



direction of the Secretary of War. While the Senator from Texas talks as though he did not want to believe him, I submit that other Senators here will believe him, for no man who has ever known Governor Taft has ever, so far as I am aware, questioned his candor or his frankness down until this occurrence. If there is a man in all the world absolutely faithful to the truth in any statement that he may make, and conservative in the statement of it, that man is Governor William H. Taft. I have known him all his life. I know whereof I speak when I pay to him that high compliment, for a high compliment it is.

Now, here is his statement in this record. It is a statement that when he arrived here, having received these reports at the steamer, not knowing anything about them until while he was on his voyage, he acquainted the Secretary of War with them, as it was his duty to do, he being his superior officer to whom he must make report. Thereupon the Secretary directed him to deliver these reports to him in order that he might order an investigation, which it at once occurred to them ought to be made as to the truthfulness of these charges.

So, Mr. President, I say that when the Senator from Texas said to the Senate—and he said it without excuse, Mr. President, for he is a member of the committee; he helped make this record; he was familiar with it, or at least he should have been; and when I say without excuse, I mean there was no excuse for his not knowing what the record showed, for he undertook to tell us what was in it, and we had a right to believe that he thoroughly understood every page of it—when the Senator from Texas said, in reply to the Senator from Indiana, that on the 14th day of February Governor Taft had these reports in his possession and withheld them, he was stating what this record shows conclusively he was not warranted in saying. He did not at that time have them, and he had no more control over them than had the Senator from Texas.

Now, Mr. President, another word. The Senator says that is the only defense I have to make for Governor Taft. Mr. President, that is the only one I need make, in view of the remarks made by the Senator from Texas, but it is not the only defense to the charge he makes. The Senator from Iowa [Mr. ALLISON] called attention a while ago to what, I think, is at the bottom of all the misunderstanding there is here, and it could not be anything but a misunderstanding, for I have that respect for the character and the integrity and the sense of justice of the Senator from Texas to believe that he would not intentionally do any man an injustice. At the bottom of it all is exactly what the Senator from Iowa called attention to. On page 292 of this report Governor Taft testified before the committee, and on the same day, at the same moment almost, for it immediately precedes what the Senator from Texas calls attention to—on the same day he made the statements the Senator takes exception to. He said, prefacing it all, when asked in regard to these various reports, as follows:

Governor TAFT. Now, as to the conditions prevailing in the pacified provinces—

I want Senators to notice the language—  
conditions prevailing in the pacified provinces—

And then he adds this parenthetically:

I leave out Batangas, Laguna, Tayabas, and Samar, because all of Batangas is involved in the present so-called guerrilla warfare, part of Laguna, part of Tayabas, and all of Samar, and possibly, though there is a difference of opinion about that, a little tract in Misamis. The difference of opinion being as to whether Rufino is an insurrecto or a ladrone.

In other words, Mr. President, there were, at the time when Governor Taft was testifying, pacified and unpacified provinces—pacified provinces, in which civil government had been established, and provinces not pacified, still being governed by military officials acting as their governors. Therefore, when he came to testify he said—speaking of pacified provinces, not only saying that he leaves out the unpacified provinces, but naming the pacified provinces to which he refers, and in that connection naming the very province where Major Gardener was acting as governor—he said: "I am speaking of them, and them only, and not of the others," thus and so—

Mr. ALLISON. Mr. President, I should be glad if the Senator would yield to me for a moment.

Mr. FORAKER. I yield to the Senator with pleasure.

Mr. ALLISON. I wish to call the Senator's attention to page 293 of the testimony, where Governor Taft states that a few days before he left the Philippines Acting President Wright had sent for the report of the pacified provinces, showing that he drew this distinction very clearly and fully.

Mr. FORAKER. I thank the Senator from Iowa for calling my attention to that fact, for it is true, as stated by the Senator from Iowa, that on page 293 of this record Governor Taft does make exactly that statement.

But, Mr. President, it must be perfectly clear, it seems to me, to any man who wants to judge this without bias or without prejudice that it must have been a misunderstanding—for it could

not have been anything else—that led the Senator from Texas to impute to Governor Taft a lack of frankness or a lack of candor. The Senator should understand the fact that Governor Taft had specified the unpacified provinces, and Tayabas as one of them, and that he then simply dismissed them from his mind. He was talking, as the Senator from Iowa [Mr. ALLISON] calls my attention to the fact, about the pacified provinces, and about them only. That is not all. Governor Taft speaks again on that very point in the communication from him that I have already read, at page 889 of the record. After having made the statement I have read, he says:

I produced reports from twenty-three governors of organized provinces, expressly limiting them to those in which there was no insurrection. (See record, p. 190.) I did this for the purpose of discussing tranquillity in those provinces (see record, p. 292 and following)—

That is just what I have been reading—

and I expressly omitted from such discussion Batangas, Samar, Laguna, and Tayabas, where there was insurrection. While Tayabas had not been formally turned over to military government, the writ of habeas corpus had been suspended in cases of prisoners in military custody. My attention was called to the fact that only twenty-three reports had been submitted, and I explained that all the reports from pacified provinces had not been obtained before I left Manila, and offered to file all reports as they came by mail. I was asked to file all reports I might receive while in Washington, and I agreed to do so. (See p. 293 of record.) From time to time I have complied with this request, and all reports from pacified provinces are now on file. (See p. 349 of record.)

I have on hand three formal annual reports from the governors of Romblon, Capiz, and Isabela, reports from whom have already been filed, and these annual reports will be also filed. I submit to your honorable committee that I have not disobeyed your rules in failing to produce any reports called for from me or agreed by me to be produced.

WM. H. TAFT.

Mr. President, the only criticism the Senator from Texas, it seems to me, has any right to make on Governor Taft is that when he was being examined on this point he did not volunteer to him the information that a report had been received from one of the unpacified provinces of which mention is made. That is explained by the fact that he had been required by the Secretary of War to turn that report over to the Secretary of War in order that the Secretary might order an investigation, and have it conducted, of the charges therein made. I can understand how the Senator might think that Governor Taft ought to have said that, but, knowing the character of Governor Taft as I do, I know that it never occurred to him that he was evading anything when giving his testimony.

It seems to me that, on the contrary, his frankness is marked by statements that indicate that he was not withholding anything, but that he was verbally painting a picture of the conditions exactly as they existed; and it is no breach of confidence for me to say that, in the course of a conversation I happened to have with Governor Taft while he was on the stand as a witness—I do not mean while he was on the stand actually testifying, but I mean during the period while he was in attendance upon the committee—he said to me that he had no responsibility for consequences, and the truth, the whole truth, and nothing but the truth, would be the statement he should make on any question he might be asked about. I know it never occurred to him that he was withholding any truth; it never occurred to him that he was evading the point of any question the Senator from Texas or any other Senator was asking him or might ask him.

Therefore, I submit, Mr. President, that Governor Taft can not be charged here in the Senate, after the full and frank and truthful—manifestly truthful—statement made, with attempting to evade, or with a lack of candor, or with misleading the committee, for he expressly stated to the committee, and the committee was given to understand—and it was not the fault of Judge Taft if they did not understand—that he was speaking only of the pacified provinces, and not of Batangas, Laguna, Tabayas, and Samar; and when he made that announcement to the committee any fair-minded man should have concluded that Governor Taft had a right to believe that every man on that committee would know that the questions propounded to him, unless they were specified otherwise, would have direct relation to the provinces about which he was testifying and concerning which he had a special responsibility.

Mr. PATTERSON. Mr. President, the Senator from Texas [Mr. CULBERSON] has stated that, in his opinion, Governor Taft was guilty of a want of frankness in dealing with the Committee on the Philippines. I think that when the entire record—and it has not yet all been called to the attention of the Senate—is understood, it will appear that the Senator from Texas is more than justified in the statement that he makes.

Senators have been proceeding upon the theory that the 14th of February was the first time at which, before the Committee on the Philippines, the question of reports from the Philippine provinces was presented. Such is not the case. On the 7th of February the record shows the following—

Mr. FORAKER. On what page?

Mr. PATTERSON. On page 189. While Governor Taft was

being examined, in a lull in the examination, the chairman of the committee, the junior Senator from Massachusetts [Mr. LODGE], made the following statement:

The CHAIRMAN. Governor Taft has advised me that he has reports from different provincial governors, heads of constabulary, etc., and if it is agreeable to him, in order to save time, we will have them printed.

Governor TAFT. I should be glad to have it done, with the permission of the committee.

The Senator from Ohio will observe that in that statement by the chairman of the committee, in the presence of Governor Taft, no reference is made either to organized provinces or to pacified provinces; but the plain blunt statement that Governor Taft had advised him that he had "reports from different provincial governors, heads of constabulary, etc., and if it is agreeable to him, in order to save time, we will have them printed."

Mr. FORAKER. Will the Senator allow me?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. Certainly.

Mr. FORAKER. I wish to call the Senator's attention to a feature of the record which seems to have escaped him. It is true that that occurred on the 7th. I was not, however, aware of it until the Senator called my attention to it, for I have not had an opportunity to familiarize myself with this record, as have the Senators on the committee.

Mr. PATTERSON. I suppose not.

Mr. FORAKER. But I call the Senator's attention to this:

The CHAIRMAN. Governor Taft has advised me that he has reports from different provincial governors, heads of constabulary, etc., and if it is agreeable to him, in order to save time, we will have them printed.

Governor TAFT. I should be glad to have it done, with the permission of the committee.

What the chairman said was that Governor Taft has reports in his possession; and then, to accommodate Governor Taft, the permission of the committee is asked to have them printed.

Governor Taft, at page 889, speaking of the delivery of this report to the Secretary of War, says:

Thereafter, on the same day—

After he had made this delivery—

in my testimony before your committee, I produced reports from 23 governors of organized provinces, expressly limiting them to those in which there was no insurrection. (See record, p. 190.)

On page 190 of the record is the testimony I read a while ago.

Mr. PATTERSON. I will say to the Senator that I intend to refer to all these matters, and I shall treat them fully, frankly, and justly.

Mr. FORAKER. What I want to call attention to is the fact that Governor Taft did not have those two reports in his possession at the time when this colloquy occurred in the committee, which the Senator now reads, but he had already theretofore, although on the same day, delivered them to the Secretary of War, pursuant to order of the Secretary theretofore given.

Mr. PATTERSON. The Senator from Ohio, I think, has made himself plain. What he has now stated is simply a reiteration of what he said before, but based upon this new item in the discussion of February 7. These reports were present in the committee room, they were turned over to the official stenographer, and the reports from twenty-three provinces were regularly printed, according to the rules of the committee, within a day or two thereafter.

The contention the Senator from Ohio is making is that Governor Taft laid great stress upon the proposition that he had certain papers in his possession. What I maintain, and what the Senator from Texas maintains, is this: That since there was nothing in Governor Taft's statement to indicate that he had disposed of the reports from other provinces in any other manner than the manner in which they were disposed of at that time, the committee had a perfect right to suppose that he, through the chairman of the committee, was producing to the committee the reports from all the provinces that he had had in his possession.

Mr. FORAKER. Mr. President—

Mr. PATTERSON. Now, I trust the Senator from Ohio will allow me to proceed.

Mr. FORAKER. I will not interrupt the Senator, of course, if it is not agreeable to him.

Mr. PATTERSON. I clearly understand the distinction the Senator is making.

Mr. FORAKER. I simply want to call the Senator's attention to the fact that the committee had no right to suppose that these were all the papers of this kind that Governor Taft then had in his possession or "ever had had" in his possession. That was the language employed by the Senator from Colorado. There was not a word said to indicate it. He simply said: "I have certain papers here in the nature of reports," and they were ordered to be printed. There was no description given of them, and later he testified in regard to them.

Mr. PATTERSON. I will come to that a little later on if the Senator will permit me to proceed.

Mr. FORAKER. Very well, I will not trouble the Senator any more.

Mr. PATTERSON. Before I get the statement completely made, I trust the Senator from Ohio is not going to desert the Chamber. I would rather agree to have him interrupt me as often as he pleases.

Mr. FORAKER. I do not want to desert the Senator; but if he will not allow any interruption and will not allow any debate—if we can not correct what we think are misstatements of the record—then I do not care to sit and hear him, when I have an urgent and pressing demand to go to the restaurant.

Mr. PATTERSON. Mr. President, I suggested that if the Senator would remain he might interrupt me as much as he pleases, but since he has become the special champion of Governor Taft, I suppose because Governor Taft is from his State—

Mr. FORAKER. On that statement of the Senator I will change my mind and stay here.

Mr. PATTERSON. I think it is due to Governor Taft, if not to myself, that the Senator should remain.

Mr. PETTUS. Mr. President, I rise to a question of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. PETTUS. This conversation is absolutely to the disorder of the Senate.

The PRESIDING OFFICER. The point of order is well taken. The Chair will admonish Senators to address the Chair and get permission from the Senator having the floor before proceeding with their remarks. The Senator from Colorado.

Mr. PATTERSON. I want to finish my statement that it is at least due to the gentleman whose cause the Senator is especially championing that he should remain here during the entire controversy upon the subject.

I was suggesting that the Senator from Ohio bases all of his defense upon the proposition that Governor Taft was invariably talking of orders that he had in his possession, while at the time he made the statement certain papers that had been in his possession were not then in his possession, but had been delivered to the Secretary of War. But, Mr. President, it was on the morning of February 7, the date upon which, in his letter of April 8, he said he had delivered reports from the two disputed provinces to the Secretary of War; that, through the chairman of the committee, in general terms, he submitted to the committee reports from different provincial governors, heads of constabulary, etc., which the chairman desired to have printed.

I maintain that logically, though not in language, the committee had a right to suppose at that time that the governor was delivering to the committee the reports of all the provinces that he had under his control, and not that before coming to the committee he had surrendered two of the reports to the Secretary of War, in order that technically he might at some subsequent period say that at the time he turned over the other reports he did not have those particular two reports with him.

Mr. President, we come now to what occurred on February 14, and I call the attention of the Senate to a distinction that the Senator from Ohio did not attempt to make.

Governor Taft was giving extensive verbal testimony, oral testimony, concerning the different provinces. He had detailed to us the provinces that had been organized, and according to his testimony both Batangas and Tayabas had been organized and civil governors appointed to preside over them; but, by reason of the disturbances subsequently occurring, a part of the provinces had, for the time being, been turned back again to the military authorities.

There are two classes of provinces in the islands, distinguished by Governor Taft himself—organized provinces and unorganized provinces; provinces organized by the Philippine Commission and provinces that had not been organized by the Philippine Commission. The reason that some of the provinces had not been organized was because they were in a state of war; but Tayabas and Batangas had been organized, although troubles had broken out there subsequently.

Mr. President, Governor Taft was testifying verbally, orally. The matter of the reports from the provinces had nothing to do with the oral statement he was making concerning the different provinces. The first information the committee had was on the 7th of February, that he had reports concerning these provinces, when he made the proposition to submit these reports from Philippine provinces and have them printed, and until the 14th of February the minority committee, at least—we do not know what information the majority or some of the majority of the committee had—until the 14th of February we of the minority of the committee believed that we had every item of written testimony concerning all of the provinces of the Philippines that Governor



Taft either had or brought with him. There was no suggestion that a report that had been in his possession had been surrendered by him to the Secretary of War or to any other person.

It is true that so far as the oral testimony is concerned he made this statement:

Governor TAFT. Now, as to the conditions prevailing in the pacified provinces—I leave out Batangas, Laguna, Tayabas, and Samar, because all of Batangas is involved in the present so-called guerrilla warfare, part of Laguna, part of Tayabas, and all of Samar.

That was simply a notification to the committee that he would not discuss those particular provinces for the reasons stated. But after he made that statement then comes the colloquy between Governor Taft and several of the minority Senators on the committee, and all of that has not yet been read to the Senate.

Senator CULBERSON. You have referred to the letters of the governors in the record. As I count them, there are only 18 out of 34 organized provinces. Governor TAFT. Whatever the number may be.

Senator CULBERSON. Why are there no letters from the other organized provinces on the question of pacification?

Batangas and Tayabas were organized territories.

Mr. FORAKER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Ohio?

Mr. PATTERSON. Certainly.

Mr. FORAKER. Governor Taft had, in the paragraph read by the Senator from Colorado only a few moments ago, expressly exempted Tayabas from the list of those provinces that were organized.

Mr. PATTERSON. Oh, no.

Mr. FORAKER. I beg pardon of the Senator. If he will look at the record he will see that that is exactly what Governor Taft said; and in the letter which I read a moment ago, printed on page 889 of the record, Governor Taft says that although Tayabas had been given a civil governor, yet the writ of habeas corpus had been suspended, and the conditions were such that it had been exempted from the pacified provinces, about which he was talking, as organized; all these inquiries are in regard to organized provinces, and all of Governor Taft's answers are confined to organized provinces.

Mr. PATTERSON. But there is a distinction between organized provinces and pacified provinces. If the Senator will read all the testimony given by Governor Taft in the earlier part of the record, he will discover that these two provinces had been organized, both Tayabas and Batangas, and because of the troubles subsequently arising by reason of guerrilla warfare they had, in part, been given over to the military, but the civil governors were yet there and the civil secretaries were yet there. Therefore, when the Senator from Texas [Mr. CULBERSON] asked Governor Taft about organized provinces, he was asking him about the very provinces concerning which Governor Taft had spoken as organized provinces. Now, let us see.

Senator CULBERSON. You have referred to the letters of the governors in the record. As I count them, there are only 18 out of 34 organized provinces. Governor TAFT. Whatever the number may be.

Senator CULBERSON. Why are there no letters from the other organized provinces on the question of pacification?

Governor TAFT. With respect to the pacified provinces, the request was made by General Wright, I think not longer than a week before I left, by telegram, and the reports had not all come in. Shall I proceed?

Senator CULBERSON. Certainly.

Governor TAFT. It is quite possible that before I get through there will be in the mail other reports; and, if so, I will be glad to submit them to the committee, if they desire.

Senator PATTERSON. I think we ought to request the Governor to submit anything he gets while he is in Washington.

Governor TAFT. All right. I will do that.

Mr. President, if Governor Taft wanted to be entirely frank when he distinguished between organized provinces and pacified provinces, when these two provinces in dispute were organized and had been pacified, but had relapsed by reason of guerrilla warfare in certain portions of them, he would have said, in response to these questions, "there are reports from two of the provinces that were organized that I received, and for some reason or other I have turned them over to the Secretary of War," but he was as silent as the grave, Mr. President, upon the subject of these two provinces, the reports of which were the most momentous and startling of any that have been published either through Governor Taft or the War Department.

Mr. President, it is suggested to me by the Senator from Arkansas [Mr. JONES] that a message has been received from the House of Representatives transmitting resolutions of that body touching the death of Representative CUMMINGS; and I give way at this point, in order that the resolutions from the House of Representatives may be presented to the Senate.

#### AGREEMENT WITH INDIANS ON ROSEBUD RESERVATION.

Mr. GAMBLE. Mr. President, I ask unanimous consent that the bill (S. 2992) to ratify an agreement with the Sioux tribe of Indians of the Rosebud Reservation, in South Dakota, and making appropriation to carry the same into effect, be taken up for

consideration on Monday morning immediately after the morning business, and that its consideration be proceeded with until disposed of.

The PRESIDING OFFICER. The Senator from South Dakota asks unanimous consent that the bill referred to be taken up for consideration on Monday morning after the routine morning business. Is there objection to the request? The Chair hears none, and that order is made.

#### DEATH OF REPRESENTATIVE AMOS J. CUMMINGS.

The PRESIDING OFFICER. The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

#### IN THE HOUSE OF REPRESENTATIVES, May 3, 1902.

*Resolved*, That the House has heard with deep regret and profound sorrow of the death of Hon. AMOS J. CUMMINGS, late a Representative from the State of New York.

*Resolved* (in recognition of the long and distinguished term of service rendered in this body by Mr. CUMMINGS), That appropriate services be held in the Hall of the House on Sunday, May 4, 1902, at 3 o'clock p. m.

*Resolved*, That a committee of fourteen members of the House, with such members of the Senate as may be joined, be appointed to take order concerning the funeral.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the deceased.

*Resolved*, That as a further mark of respect to the memory of the deceased the House do now adjourn.

The Speaker announced the appointment of Mr. McCLELLAN, Mr. WADSWORTH, Mr. SULZER, Mr. RAY of New York, Mr. FITZGERALD, Mr. SHERMAN, Mr. RYAN, Mr. YOUNG, Mr. CLARK, Mr. FOSS, Mr. WILLIAMS of Mississippi, Mr. McCLEARY, Mr. TATE, and Mr. OTEY as members of the committee on the part of the House.

Mr. DEPEW. Mr. President, I offer the resolutions which I send to the desk.

The PRESIDING OFFICER. The Senator from New York offers resolutions, which will be read.

The resolutions were read, as follows:

*Resolved*, That the Senate has heard with deep sensibility the announcement of the death of Hon. AMOS J. CUMMINGS, late a Representative from the State of New York.

*Resolved*, That a committee of five Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the resolutions submitted by the Senator from New York.

The resolutions were unanimously agreed to.

The PRESIDING OFFICER, under the second resolution, appointed as the committee on the part of the Senate Mr. PLATT of New York, Mr. KEAN, Mr. PENROSE, Mr. JONES of Arkansas, and Mr. BAILEY.

Mr. DEPEW. Mr. President, as a further mark of respect to the memory of the deceased, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 2 o'clock and 48 minutes p. m.) the Senate adjourned until Monday, May 5, 1902, at 12 o'clock meridian.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, May 3, 1902.

The House met at 12 o'clock m.

The Chaplain, Rev. HENRY N. COUDEN, D. D., offered the following prayer:

Our Father who art in heaven, once more brought face to face with the mystery of mysteries in the death of one of the members of this House, we look up to Thee, source of light and life and love, for strength and consolation. We bless Thee for his long and faithful career as a journalist and statesman.

Conservative in his views, strong in his convictions, he stood fearlessly, boldly, for what he conceived to be right, on the field of battle, in his writings, and on the floor of this House.

Be very near to those who knew and loved him best, his friends and colleagues, and especially those who were near and dear to him in the ties of kinship.

Peace be to his ashes and repose to his soul. With faith in Thee may we look forward with hope to the future, that on some near or distant shore we shall finally meet where sorrows never enter and joys are eternal; in the name of Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendment to the bill (H. R. 11535) for the protection of game in Alaska, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on

the disagreeing votes of the two Houses thereon, and had appointed Mr. BURTON, Mr. KITTREDGE, and Mr. GIBSON as the conferees on the part of the Senate.

#### ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 13246. An act to authorize the construction of a bridge across the Chattahoochee River between Columbus, Ga., and Eufaula, Ala., or in the city of Columbus, Ga.; and

H. R. 1964. An act to provide for a light-house keeper's dwelling, Ecorse range-light station, Detroit River, in the State of Michigan.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4932. An act providing for the extension of the London Park National Cemetery, near Baltimore, Md.;

S. 3361. An act providing for the removal of the port of entry in the Albemarle collection of customs district, North Carolina, from Edenton, N. C., to Elizabeth City, N. C.; and

S. 4768. An act to authorize the United States and West Indies Railroad and Steamship Company, of the State of Florida, to construct a bridge across the Manatee River in the State of Florida.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT OF THE UNITED STATES.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had presented this day to the President of the United States for his approval bills of the following titles:

H. R. 966. An act for the relief of Edward R. Stackable, collector of customs for the district of Hawaii; and

H. R. 9206. An act to make oleomargarine and other imitation dairy products subject to laws of any State or Territory or the District of Columbia into which they are transported, and to change the tax, provide for the inspection, and regulate the manufacture and sale of certain dairy products, and to amend an act entitled "An act defining butter, also imposing a tax upon and regulating the manufacture, sale, and exportation of oleomargarine," approved August 2, 1886.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows: To Mr. MINOR, for ten days, on account of important business. To Mr. BISHOP, for one week, on account of important business.

#### REPRINT OF REPORTS.

Mr. KNOX. Mr. Speaker, I am informed that the supply of Report No. 1309, relating to the admission of certain Territories as States of the Union, is entirely exhausted. I ask unanimous consent for a reprint, and I give notice that I shall call up the bill on Tuesday next.

The SPEAKER. Is there objection to ordering a reprint of Report No. 1309, relating to the statehood bill? The Chair hears none; and it is so ordered.

Mr. FOSS. Mr. Speaker, I ask unanimous consent for a reprint of the naval appropriation bill and the report thereon.

There being no objection, it was ordered accordingly.

#### BUSINESS OF COMMITTEE ON CLAIMS.

Mr. GRAFF. Mr. Speaker, in view of the proposed adjournment to-day, I ask unanimous consent that on the day following the disposition of the statehood bill it be in order to consider bills on the Private Calendar reported from the Committee on Claims.

The SPEAKER. The chairman of the Committee on Claims asks unanimous consent that immediately after the disposition of the statehood bill, reported from the Committee on the Territories—

Mr. GRAFF. Mr. Speaker, is there any prior order which would interfere with claims business?

The SPEAKER (after a pause). The Chair finds that a bill reported by the gentleman from Pennsylvania [Mr. ADAMS] from the Committee on Foreign Affairs has been made a special order, to come up immediately after the disposition of the statehood bill.

Mr. GRAFF. Then I modify my request, and ask unanimous consent that it be in order immediately after the disposition of the passport bill to consider bills on the Private Calendar reported from the Committee on Claims.

The SPEAKER. The gentleman from Illinois [Mr. GRAFF] asks unanimous consent that immediately after the disposition of House bill 8129—the passport bill, affecting our foreign possessions—which, as the House will remember, was made a special order to come up after the disposition of the statehood bill, bills reported from the Committee on Claims be made the special order. Is there objection to this request?

Mr. PERKINS. I wish to inquire whether, under this proposed order, the Calendar will be called in the same way it would have been to-day, or whether only bills on the Calendar reported from that committee will be in order?

The SPEAKER. Only bills from the Committee on Claims will be in order under this request. Is there objection? The Chair hears none, and it is so ordered.

#### DEATH OF HON. AMOS J. CUMMINGS.

Mr. PAYNE. Mr. Speaker, it becomes my sad duty to announce to the House the death of Hon. AMOS J. CUMMINGS, late a Representative from the State of New York, which occurred at Baltimore last evening.

Of his loyalty and courage, his devotion to duty, his unswerving patriotism, and his long and distinguished service as a member of this House, I shall defer to speak at length until at a later day the House shall set aside a day to pay fitting tribute to his memory. I offer the resolutions which I send to the desk.

The Clerk read as follows:

*Resolved*, That the House has heard with deep regret and profound sorrow of the death of Hon. AMOS J. CUMMINGS, late a Representative from the State of New York.

*Resolved* (in recognition of the long and distinguished term of service rendered in this body by Mr. CUMMINGS), That appropriate services be held in the Hall of the House on Sunday, May 4, 1882, at 3 o'clock p. m.

*Resolved*, That a committee of fourteen members of the House, with such members of the Senate as may be joined, be appointed to take orders concerning the funeral.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy of the same to the family of the deceased.

*Resolved*, That as a further mark of respect to the memory of the deceased the House do now adjourn.

The resolutions were unanimously agreed to.

The SPEAKER announced the appointment of the following-named members as the committee on the part of the House: Mr. McCLELLAN, Mr. WADSWORTH, Mr. SULZER, Mr. RAY of New York, Mr. FITZGERALD, Mr. SHERMAN, Mr. RYAN, Mr. YOUNG, Mr. CLARK, Mr. FOSS, Mr. WILLIAMS of Mississippi, Mr. McCLEARY, Mr. TATE, and Mr. OTEY.

The SPEAKER (at 12 o'clock and 14 minutes p. m.). And now, in pursuance of the action of the House just taken, this body stands adjourned until 12 o'clock noon on Monday next.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the finding filed by the court in the case of Pinkney Daniel and Josephine Berry, heirs of estate of Mary Dees, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Superintendent of the Capitol Building and Grounds, transmitting a report relating to the extension of the Capitol building and renovation of the Rotunda—to the Committee on Appropriations, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. THOMAS of Iowa, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 13967) to change the terms of the United States circuit courts within the first circuit, reported the same without amendment, accompanied by a report (No. 1880); which said bill and report were referred to the House Calendar.

Mr. JONES of Washington, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 11613) to establish a fish-hatching and fish station in Yakima County, in the State of Washington, reported the same without amendment, accompanied by a report (No. 1881); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 4335) to establish a steam fog-signal station at the entrance to Holland Harbor, Michigan, reported the same with amendment, accompanied by a report (No. 1882); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 3492) to authorize the establishment of a life-saving station at or near Eagle Harbor, on Keweenaw Point, Michigan, reported the same without amendment, accompanied



by a report (No. 1883); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DAVEY of Louisiana, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4096) to provide for a site for a depot for the Revenue-Cutter Service, reported the same without amendment, accompanied by a report (No. 1884); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 6127) granting an increase of pension to Mrs. Catherine P. McLorinan, and the same was referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. JENKINS: A bill (H. R. 14188) for the appointment of authorized surveyors in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

Also, a bill (H. R. 14189) to permit the occupancy of the public printing building by the Grand Army of the Republic—to the Committee on Printing.

By Mr. NORTON: A bill (H. R. 14190) to amend the third subdivision of section 3244 of the Revised Statutes—to the Committee on Ways and Means.

Also, a bill (H. R. 14191) to amend section 45 of an act entitled "An act to reduce revenue and equalize duties on imports, and for other purposes," approved October 1, 1890—to the Committee on Ways and Means.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. HULL: A bill (H. R. 14192) to correct the military record of Palmer G. Percy—to the Committee on Military Affairs.

By Mr. MARSHALL: A bill (H. R. 14193) granting an increase of pension to Warren C. Plummer—to the Committee on Invalid Pensions.

By Mr. SMITH of Illinois: A bill (H. R. 14194) granting an increase of pension to Esther A. Clark—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 14195) granting an increase of pension to David T. Towles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14196) granting an increase of pension to M. W. Dunkin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14197) granting a pension to Harriett Wheatley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14198) to correct the military record of William G. Dougherty—to the Committee on Military Affairs.

By Mr. SHAFROTH: A bill (H. R. 14199) granting an increase of pension to Jesse Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14200) granting an increase of pension to Franklin Stauter—to the Committee on Invalid Pensions.

By Mr. HENRY C. SMITH: A resolution (H. Res. 239) to pay Cash B. Herman for services rendered under the Doorkeeper of the House—to the Committee on Accounts.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURLEIGH: Papers to accompany House bill granting a pension to Joseph M. Foster—to the Committee on Invalid Pensions.

By Mr. DRAPER: Resolution of the Woman's Republican Association of the State of New York, indorsing House bill 6279, to increase the pay of letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. KETCHAM: Petition of citizens of Kingston, N. Y., for the repeal of the tariff on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. NAPHEN: Petition of Thompson & Leavitt and other citizens of Boston, Mass., favoring House bills 178 and 179, for reduction of tax on liquor—to the Committee on Ways and Means.

By Mr. LOUDENSLAGER: Resolutions of Branch No. 551, Polish National Alliance, of Camden, N. J., favoring the erection of a statue to the late Brigadier-General Count Pulaski at Washington—to the Committee on the Library.

By Mr. RYAN: Petition of Jacob Springweiller and 34 other citizens of the Thirty-second Congressional district of New York, for repeal of the duties on beef, veal, mutton, and pork—to the Committee on Ways and Means.

By Mr. SMITH of Illinois: Resolutions of Mine Workers' Unions No. 951, of Sato; No. 710, of Casterville, and No. 1941, of Johnston City, Ill., favoring an educational qualification for immigrants—to the Committee on Immigration and Naturalization.

#### SENATE.

MONDAY, May 5, 1902.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal will stand approved.

#### HOSPITAL AT FORT RILEY, KANS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of appropriation for the construction of a hospital at Fort Riley, Kans., \$100,000; which, on motion of Mr. PROCTOR, was, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed.

#### LEVI HATCHETT.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2975) granting an increase of pension to Levi Hatchett, which was, in line 8, before the word "dollars," to strike out "twenty-four" and insert "seventeen."

Mr. GALLINGER. I move that the Senate disagree to the amendment made by the House of Representatives and ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President pro tempore was authorized to appoint the conferees on the part of the Senate, and Mr. PRITCHARD, Mr. DEBOE, and Mr. CARMACK were appointed.

#### PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of Galesburg Lodge, No. 24, Brotherhood of Railroad Trainmen, of Galesburg, Ill., praying for the passage of the so-called Hoar anti-injunction bill, to limit the meaning of the word "conspiracy" and the use of "restraining orders and injunctions" in certain cases, and remonstrating against the passage of any substitute therefor; which was ordered to lie on the table.

Mr. FAIRBANKS presented a petition of the Columbia Encaustic Tile Company, of Anderson, Ind., praying for the adoption of certain amendments to the national banking laws; which was referred to the Committee on Finance.

Mr. DRYDEN presented a resolution adopted by the Arlington Flag Association, of Arlington, N. J., favoring the official recognition of Dr. Theodore R. Timby for his invention of the revolving gun turret of the *Monitor*; which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry citizens of Rahway, N. J., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a memorial of Cigar Makers' Local Union No. 138, of Newark, N. J., remonstrating against the present high prices of beef and praying for the removal of the protective tariff on all imports of meat; which was referred to the Committee on Finance.

He also presented a petition of Metal Polishers, Buffers, Platers, Brass Molders, and Brass Workers' Local Union No. 121, of Paterson, N. J., praying that an investigation be made into the so-called beef trust; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Jersey Central Division, No. 307, Order of Railway Conductors, of Somerville; of Lehigh Valley Lodge, No. 33, Brotherhood of Railroad Trainmen, of Jersey City; of Trenton Lodge, No. 38, Brotherhood of Railroad Trainmen, of Trenton; of Camden Division, No. 22, Brotherhood of Locomotive Engineers, of Camden; of Jersey City Lodge, No. 119, Brotherhood of Locomotive Engineers, of Jersey City; of Palisade Lodge, No. 592, Brotherhood of Locomotive Engineers, of Jersey City, and of Jersey City Division, No. 53, Brotherhood of Locomotive